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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

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JUL - 9 2009

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Tuesday, July 7, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090701 [Setting Patient Rates - effective July 1, 2009]
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

FINALLY PASSED

090702 [Emergency Medical Services Fees]
Mayor

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

FINALLY PASSED

090703 [Chain Restaurant Surcharge]
Mayor

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Sec. 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.

FINALLY PASSED

3 1223 08679 5375

090711 [Recreation and Park Department - Clubhouses and Gymnasiums Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

FINALLY PASSED

090713 [Recreation and Park - Day Camp Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

FINALLY PASSED

090714 [Recreation and Park - Kezar Parking Lot Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

FINALLY PASSED

090718 [Recreation and Park Department - Japanese Tea Garden Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

FINALLY PASSED

090720 [Recreation and Park - Conservatory of Flowers Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090367 **[Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]**
Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance

090627 **[Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]**
Supervisors Alioto-Pier, Dufty

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090712 **[Recreation and Park Department - Aquatic Facilities Fees]**
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090717 [Recreation and Park Department - Athletic Field Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090719 [Recreation and Park Department - Latch Key and Afterschool Programs Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

090740 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]
Supervisors Mar, Maxwell, Mirkarimi, Daly

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be TABLED. The motion FAILED by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Noes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Continued to August 4, 2009.

Supervisor Mar, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090697 **[Increasing Street Artist Certificate Fee]**
Mayor

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090705 **[Fees for Fire Department Services and Permits - Fire Code]**
Mayor

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090706 **[Fees for Fire Department emergency medical services]**
Mayor

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090707 **[Increasing and establishing certain Fire Department licensing fees]**
Mayor

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090708 **[Increasing Fire Department fees for street fairs]**
Mayor

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090710 [Sale of combustion turbines]
Mayor, Supervisor Mirkarimi

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

Supervisor Alioto-Pier moved to divide the question relating to "b) Concurrent with the preparation of the CTs for sale in Fiscal Year 2009-2010, authorized in this ordinance, the PUC is instructed to analyze the feasibility of local cogeneration projects. If any of these projects demostrates initial feasibility and environmental benefit, and requires purchase from the City of a CT unit, the PUC is instructed to report to the Mayor and Board of Supervisors on what actions would allow for consideration of this project or projects" located on Page 2, Line 24, through Page 3, Line 4.

The question relating to "feasibility for sale in Fiscal Year 2009-2010" was passed by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

PASSED ON FIRST READING AS DIVIDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090721 [Medical Examiner's Fees for Copies of Documents and Certain Services]
Mayor

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's Fees for Copies of Documents and Certain Services and adding fees for new services.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090722 [Public Works Code - Increasing Tree Removal Permit Fees]
Mayor

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from $267 to $607, for a permit to remove 1-3 street trees to allow for development or construction; from $267 to $300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from $360 to $808, for a permit to remove 4-9 street trees; and from $565 to $1,214, for a permit to remove 10 or more street trees; and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090724 **[Establishing a Cigarette Litter Abatement Fee]**
Mayor

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of $0.20 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-70 to establish an Environment Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to allow the Director of the Department of Public Health to suspend a tobacco sales permit and impose administrative penalties for failure to pay the Cigarette Litter Abatement Fee; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090800 **[Establishing Carbon Mitigation Program]**
Mayor, Supervisor Dufty

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions; and making environmental findings.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090817 **[Public Education Enrichment Fund for FY 2009-2010 - San Francisco Children and Families Commission]**
Supervisors Avalos, Dufty, Mirkarimi

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090818 **[Public Education Enrichment Fund for FY 2009-2010 - San Francisco Unified School District]**
Supervisors Avalos, Dufty, Mirkarimi

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090318 [Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]
Supervisor Alioto-Pier

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to August 11, 2009.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090603 [Appointment, Historical Preservation Commission - James Buckley]

Motion approving the Mayor's nomination for appointment of James Buckley to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined.

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090604. Transmittal date – May 18, 2009.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090788 [Appointment, Historical Preservation Commission - Andrew Wolfram]

Motion approving the Mayor's nomination for appointment of Andrew Wolfram to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090789. Transmittal date – June 4, 2009.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed concerns relating to San Francisco politics.
Mark Blumberg; Bill Lawrence; Allen Duffy; expressed concerns relating to taxi reform.
Monica; expressed concerns relating to violence on MUNI.
Abdullah Megaheed; expressed various concerns.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
John DiDonna; expressed various concerns.
Anna Maria; expressed concerns relating to funding for programs for low-income residents in the Mission.
Raymond Jose; expressed concerns relating to funding for HOMEY program.
Eric DeSanta; Male Speaker; expressed support for Honduras and human rights.
Nancy Cross; expressed concerns relating to smoking cessation and associated City policies.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090863 [Support for the passing of Assembly Concurrent Resolution No. 42 (Fong; Chinese Americans in California)]
Supervisors Mar, Chiu, Chu, Campos

Resolution supporting Assembly Concurrent Resolution No. 42 (Fong) that recognizes the extraordinary hardships of Chinese in California as a result of systematic discriminatory practices implemented at the legislative level, which conflict with the principles upon which our country was founded.

Supervisors Chu and Campos requested to be added as co-sponsors.
ADOPTED

090864 [Celebrating the 20th anniversary of San Francisco Animal Care & Control]
Supervisors Mar, Campos

Resolution celebrating the 20th anniversary of San Francisco Animal Care & Control.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090865 [Denouncing the coup de etat in Honduras and urging the Honduran government and the international community to support democratic, transparent elections that respect human rights, national sovereignty and democracy]
Supervisors Campos, Avalos, Daly, Mar, Maxwell, Mirkarimi, Dufty

Resolution denouncing the coup de etat against the duly elected President of Honduras and urging the Honduran government and international community to support democratic elections that respect human rights, national sovereignty, and economic sustainability that leads to conditions of peace and democracy.

ADOPTED

090777 **[Final Map - 30-36 Guerrero Street; 1927 Market Street]**

Motion approving Final Map 4747, a three Residential Unit and one Commercial Unit Mixed-Use Condominium Project, also being a Subdivision of that real property, located at 30 – 36 Guerrero Street, 1927 Market Street being a subdivision of Lots 002 and 005 in Assessors Block No. 3501 and adopting findings pursuant to the General Plan and City Planning Code Section 101. (Public Works Department)

(DPW Order 178,223; District 8.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Absent: 1 - Maxwell

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090885 **[Urging all San Francisco Giants fans to vote for Pablo Sandoval to represent the Giants and San Francisco at the 2009 Major League Baseball All Star Game]**

Supervisors Avalos, Dufty, Alioto-Pier

Resolution to encourage San Francisco Giants fans to vote for Pablo Sandoval as an All- star.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090845 [Settlement of Lawsuit - Yao Tondo - $140,000.00]

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for $140,000.00; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090846 [Settlement of Lawsuit - Mai Tai Investors L.P., et al. - $40,000]

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for $40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090847 [Settlement of Lawsuit - Tony Nguyen, dba MicroLan - $100,000.00]

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for $100,000.00; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090848 [Emergency contract to repair Fireboat Pier 22 1/2]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to repair Fireboat Pier 22 1/2. (Public Works Department)

6/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:08 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
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San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

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JUL 15 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, July 14, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
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San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
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Angela Calvillo, Clerk of the Board

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Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of June 9, 2009, and June 16, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Clerk of the Board Angela Calvillo informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File Nos. 090276, 090277, 090278, and 090279 which would amend the Rent Ordinance.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090697 [Increasing Street Artist Certificate Fee]
Mayor

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

FINALLY PASSED

090705 [Fees for Fire Department Services and Permits - Fire Code]
Mayor

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

FINALLY PASSED

090706 [Fees for Fire Department emergency medical services]
Mayor

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

FINALLY PASSED

090707 [Increasing and establishing certain Fire Department licensing fees]
Mayor

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

FINALLY PASSED

090708 [Increasing Fire Department fees for street fairs]
Mayor

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

FINALLY PASSED

090721 [Medical Examiner's Fees for Copies of Documents and Certain Services]
Mayor

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's Fees for Copies of Documents and Certain Services and adding fees for new services.

FINALLY PASSED

090722 [Public Works Code - Increasing Tree Removal Permit Fees]
Mayor

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from $267 to $607, for a permit to remove 1-3 street trees to allow for development or construction; from $267 to $300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from $360 to $808, for a permit to remove 4-9 street trees; and from $565 to $1,214, for a permit to remove 10 or more street trees; and making environmental findings.

FINALLY PASSED

090724 [Establishing a Cigarette Litter Abatement Fee]
Mayor

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of $0.20 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-70 to establish an Environment Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to allow the Director of the Department of Public Health to suspend a tobacco sales permit and impose administrative penalties for failure to pay the Cigarette Litter Abatement Fee; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

FINALLY PASSED

090651 [Memorandum of Understanding between the Treasure Island Development Authority and the Office of the City Administrator]
Mayor

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Memorandum of Understanding appointing the City, acting by and through the Office of the City Administrator, as its agent to provide the services to carry out the Authority's operations and provide oversight to the Treasure Island Project Office for the term beginning July 1, 2009.

ADOPTED

090738 [Accept and Expend Federal Grant - Port Commission - $1,800,000]
Mayor

Resolution authorizing the San Francisco Port Commission to accept and expend $1,800,000 in Federal American Recovery and Reinvestment Act grant funds from the State Water Resources Control Board to fund utility infrastructure improvements at the Pier 45 fish processing facility.

ADOPTED

090796 [Recurring FY 2009-2010 State grant funds to the Department of Public Health]
Supervisor Dufty

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2009-2010.

(Fiscal Impact.)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090318 [Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]
Supervisor Alioto-Pier

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090710 **[Sale of combustion turbines]**
Mayor, Supervisor Mirkarimi

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

Supervisor Alioto-Pier moved to divide the question relating to "b) Concurrent with the preparation of the CTs for sale in Fiscal Year 2009-2010, authorized in this ordinance, the PUC is instructed to analyze the feasibility of local cogeneration projects. If any of these projects demostrates initial feasibility and environmental benefit, and requires purchase from the City of a CT unit, the PUC is instructed to report to the Mayor and Board of Supervisors on what actions would allow for consideration of this project or projects" located on Page 2, Line 24, through Page 3, Line 4.

The question relating to "feasibility for sale in Fiscal Year 2009-2010" was passed as divided by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

FINALLY PASSED AS DIVIDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090800 **[Establishing Carbon Mitigation Program]**
Mayor, Supervisor Dufty

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions; and making environmental findings.

(Supervisor Chu dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090778 **[Annual Salary Ordinance, FY 2009-2010]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Continued to July 21, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090779 [Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Continued to July 21, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090585 [Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]

Mayor, Supervisors Chiu, Dufty, Mar, Campos

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

090716 [Recreation and Park-Parking]
Mayor

Ordinance amending the Article 6 of the Park Code by adding Section 6.14 to authorize the San Francisco Municipal Transportation Agency to identify areas located on property under the jurisdiction of the Recreation and Park Commission that are suitable for paid parking; to set rates for such parking; and to develop and implement a parking management plan for park property, and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090837 [Penalty for alcohol content testing in Driving Under the Influence cases]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 8.14-1, to impose an additional $50 penalty for violation of certain Vehicle Code sections to pay for alcohol testing by the Medical Examiner.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090694 [Treasure Island Development Authority Budget, FY 2009-2010]
Mayor

Resolution approving the Budget of the Treasure Island Development Authority for FY 2009-2010.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090767 [Appointment, Public Utilities Commission - Anson Moran]
Motion confirming the Mayor's appointment of Anson Moran to the Public Utilities Commission, Seat 4, for the unexpired portion of a two-year term ending August 1, 2010 (Clerk of the Board)

(Charter Section 4.112(a) provides that the Board of Supervisors shall confirm appointment by a majority (six votes) of the Board of Supervisors; companion measure to File 090768. Transmittal date – June 1, 2009.)

(Supervisor Campos dissented in Committee.)

Continue to July 21, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Campos, moved that this Motion be CONTINUED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Campos, Elsbernd, Mar, Mirkarimi
Noes: 6 - Avalos, Chiu, Chu, Daly, Dufty, Maxwell

APPROVED by the following vote:
Ayes: 8 - Alioto-Pier, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Campos, Mar

Supervisors Daly and Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Campos, moved to excuse Supervisors Daly and Mirkarimi from voting on File No. 090882. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Avalos, Mirkarimi

090882 **[Appointments, Association of Bay Area Government - Supervisors John Avalos and Ross Mirkarimi]**

Motion appointing Supervisors John Avalos and Ross Mirkarimi, terms ending June 30, 2011, to the Association of Bay Area Governments Executive Board.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Avalos, Mirkarimi

090608 **[Charter Amendment - Allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated]**

Supervisor Daly

Charter Amendment (Second Draft) to amend Sections 9.103 and 9.104 to allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, requiring the relevant City departments to report to the Board on their plans for expenditure of the money appropriated, and allowing the Mayor to reject or reduce an appropriation identified as mandatory, and to reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

(Supervisor Chu dissented in Committee.)

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the family of Larry Lattimore, upon his passing, in recognition of his accomplishments as organizer/advocate with POWER and the Living Wage Coalition.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Ricardo Pena and Connie Rivera, leaders of Mixcoati Anahuac Aztec dance group, in recognition of their positive impact on the Mission District through art, dance, and culture.

SPECIAL ORDER 4:00 P.M.

090812 **[Public Hearing - Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17880 dated May 14, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2007.0128CV), under Planning Code Sections 209.3, 303, and 317 to allow an existing private secondary school (the Drew School), to expand its facility and enrollment cap, and to demolish an existing 3-unit building within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, on property located at 2901 California Street/1831-1835 Broderick Street, Lot Nos. 003 and 095 in Assessor's Block 1029. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/15/09; Companion measure to Files 090813, 090814, 090815; District 2.)

The President inquired as to whether any member of the public wished to address the Board members on the continuance. Steve Williams (Appellant) spoke indicating no objection to the continuance. There were no other speakers.
The President declared the public comment closed on the continuance.

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090813 **[Approving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion approving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street – Drew School Addition Project, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090814 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion disapproving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project. (Clerk of the Board)

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090815 [Preparation of findings related to the Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, for action by the Board at its next meeting. (Clerk of the Board)

Continued to August 4, 2009.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090783 [Settlement of Lawsuit - Jane Martin and David Baker - $190,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $190,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090811 [Settlement of Lawsuit - Craig Yates and Richard Skaff - $312,000]

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for $312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for $150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090845 [Settlement of Lawsuit - Yao Tondo - $140,000]

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for $140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090846 [Settlement of Lawsuit - Mai Tai Investors L.P., et al. - $40,000]

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for $40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090847 **[Settlement of Lawsuit - Tony Nguyen, dba MicroLan - $100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for $100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090784 **[Settlement of Unlitigated Claim - Freda Quimbo - $70,000]**

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for $70,000; claim was filed on February 11, 2009. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090831 **[Settlement of Potential Litigation - George Boutros - $25,000]**

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090622 **[Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan and imposing a deadline of May 15th for submission of MOUs for miscellaneous and safety employees to the Board of Supervisors.]**

Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos

Charter Amendment (First Draft) to amend Sections 2.103, 2.108, 2.117, 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, 16.112, and Article XVII, and adding Sections 9.119, 9.120, and 9.121 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the Board of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of June 30th for the Board of Supervisors to approve or adopt new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, require that City departments, including the Board of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed concerns relating to San Francisco history and ethics.
Male Speaker; expressed various concerns.
Denise Coleman; expressed concerns relating to juvenile justice.
Bill Davis; expressed various concerns.
Stephanie; Shaney; Tina; Male Speaker; Female Speaker; expressed various support for the office of the public defender.
Walter; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating workforce development.
Valentina: expressed concerns relating to community needs in the Mission District.
Female Speaker; expressed concerns relating to tenant's rights.
Richard Robinson; expressed various concerns.

Privilege of the floor was granted to Public Defender Jeff Adachi who spoke expressing concerns relating to the Office of the Public Defender.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090891 [Accept and Expend State Grant - Office of the Public Defender - $100,583]
Supervisor Campos

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of $100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

ADOPTED

090892 [Mortgage Revenue Bonds]
Supervisors Daly, Mirkarimi, Campos

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $75,000,000 for the 220 Golden Gate Avenue Development (as such project is defined herein); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $75,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090893 **[Accept and Expend Federal Funds - Department of the Environment - $60,000]**
Supervisors Mar, Campos

Resolution authorizing the Department of the Environment to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program in the amount of $60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090894 **[Apply for funds from the Clean Water State Revolving Fund for the Newcomb Avenue Streetscape Project]**
Supervisor Maxwell

Resolution authorizing the San Francisco Planning Department to apply for funds from the State of California Clean Water State Revolving Fund for streetscape, traffic calming, and green stormwater improvements along the 1700 Block of Newcomb Avenue.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that this matter be severed so that it may be considered separately.

090890 **[Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]**
Supervisor Alioto-Pier

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California.

Continued to July 21, 2009.
CONTINUED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

6/30/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/30/2009.

090868 **[Bicycle Plan adoption and related General Plan amendments]**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

6/30/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/30/2009.

PROPOSED RESOLUTIONS

090869 **[Approval of SFPUC New Irvington Tunnel Construction Management Contract]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed $15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090883 **[Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090884 **[Dissolution of San Francisco Airport Improvement Corporation]**

Resolution approving the dissolution of the San Francisco Airport Improvement Corporation, the appointment of directors, and related matters. (Airport Commission)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:06 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

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VOTES

MEETING MINUTES - DRAFT

Tuesday, July 21, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

Supervisor Daly was noticed absent at 5:20 p.m.; Supervisor Daly was noticed present at 5:39 p.m.; Supervisor Daly was noticed absent at 6:12 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of June 23, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090716 **[Recreation and Park-Parking]**
Mayor

Ordinance amending Article 6 of the Park Code by adding Section 6.14 to authorize the San Francisco Municipal Transportation Agency to identify areas located on property under the jurisdiction of the Recreation and Park Commission that are suitable for paid parking; to set rates for such parking; and to develop and implement a parking management plan for park property, and making environmental findings.

FINALLY PASSED

090837 **[Penalty for alcohol content testing in Driving Under the Influence cases]**
Mayor

Ordinance amending Administrative Code by adding Section 8.14-1, to impose an additional $50 penalty for violation of certain Vehicle Code sections to pay for alcohol testing by the Medical Examiner.

FINALLY PASSED

090735 [Approving contract between the SFMTA and TJPA for Transbay Transit Center services]
Supervisor Daly

Resolution approving Contract No. CS –159 between the San Francisco Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services.

(Fiscal Impact.)

ADOPTED

090765 [80 Charter Oak Street Lease Amendment]

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 80 Charter Oak Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

ADOPTED

090786 [Lease of Real Property at 160 South Van Ness Avenue]

Resolution authorizing the Director of Property to exercise an extension option for a 7-year term for the lease of real property located at 160 South Van Ness Avenue, San Francisco, for the Human Services Agency. (Real Estate Department)

(Fiscal Impact.)

ADOPTED

090861 [Accept and Expend State Grant - Department of Public Works - $333,000]
Mayor

Resolution authorizing the Department of Public Works to accept and expend State Transportation Development Act (TDA) Article 3 funds totaling $333,000 for various pedestrian projects in the City and County of San Francisco in FY 2009-2010.

(Fiscal Impact.)

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

090661 [Liquor License - 900 North Point, Suite D100]

Resolution determining that the issuance of a Type 57 special on-sale general liquor license to Jane Echlin, for Cocoa Residential Owners Association Inc. dba Fairmont Heritage Place, Ghirardelli Square located at 900 North Point, Suite D100, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

ADOPTED

Recommendations of the Rules Committee

090783 **[Settlement of Lawsuit - Jane Martin and David Baker - $190,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $190,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090811 **[Settlement of Lawsuit - Craig Yates and Richard Skaff - $312,000]**

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for $312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for $150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

FINALLY PASSED

090845 **[Settlement of Lawsuit - Yao Tondo - $140,000]**

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for $140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090846 **[Settlement of Lawsuit - Mai Tai Investors L.P., et al. - $40,000]**

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for $40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090847 **[Settlement of Lawsuit - Tony Nguyen, dba MicroLan - $100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for $100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090778 [Annual Salary Ordinance, FY 2009-2010]

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

See the full compliment of amendments as listed below referenced with File No. 090779.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090779 [Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Amended, by:

1) Shifting $450,000 of General Fund expenditures against savings implemented by the Budget Committee in the Open Space Fund, Impound Account, and Children's Fund; and
2) Eliminating the $350,000 allocated by the Budget Committee for the Geneva Car Barn Project; and
3) Re-establishing an $800,000 appropriation for the Public Financing Campaign Fund using the above savings; and
4) Adding one contract compliance officer position for the Office of Labor Standards, funded with revenues introduced in a Mayor's Office technical adjustment (these funds will remain on Controller's Office reserve until these funds are certified by the Controller's Office); and
5) Re-allocating $3,900,000 in funds programmed by the Budget Committee for restorations of various categories into a single; more flexible appropriation to the Childrens' Services Restoration Fund; and
6) Adding an administrative provision to the AAO governing the process the City will use to address potential losses of State and local revenues beyond those losses assumed in the budget; and
7) Adding an administrative provision to the AAO allowing the Controller's Office to administratively establish allocations to the Surety Bond Self-Insurance Fund, previously adopted by the Board of Supervisors.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Privilege of the floor was granted to Public Defender Jeff Adachi who spoke addressing questions raised throughout the discussion relating to the Office of the Public Defender.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to Amend, by 1) De-appropriating $900,000 from Trial Courts Indigent Defense Fund; 2) Appropriating $650,000 to the Public Defender's Office; and 3) Appropriating $250,000 to the District Attorney's Office.

The motion was divided by Supervisor Daly:

To appropriate $250,000 to the Office of the District Attorney.

AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

The motion was divided by Supervisor Elsbernd:

To de-appropriate $900,000 from Trial Courts Indigent Defense Fund.

AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

The following motions were divided by Supervisor Elsbernd.

To appropriate $450,000 equally between the Public Defender's Office and the Office of the District Attorney.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 4 - Chiu, Chu, Elsbernd, Maxwell
Noes: 7 - Alioto-Pier, Avalos, Campos, Daly, Dufty, Mar, Mirkarimi

To appropriating $650,000 to Public Defender's Office.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Mirkarimi
Noes: 2 - Elsbernd, Maxwell

Amended, by:

1) Reducing the Hotel Tax Allocation for Convention Facilities by 2.5% resulting in savings of $1,043.160; and
2) Deleting 9-months of salary for 1 FTE Deputy Chief and 2 FTE commanders in the SFPD; and
3) Allocating the savings of $1,527,018 to the Public Financing Fund.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Amended, by:

1) Reducing the general fund allocations from the Ballet, Opera, and ACT by 35% for total savings of $510,006; and
2) Allocating $510,006 to the DCYF Childrens' Services Restoration Fund.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Amended, by Placing $26,878,974 from various Departments on Reserve.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 4 - Campos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Amended, by Placing $45,000,000 from various Deparments on Board of Supervisor's Reserve.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Campos, seconded by Supervisor Avalos, moved to rescind the previous vote. The motion to rescind passed by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly.

Amended, by Placing $45,000,000 from various Departments on Budget and Finance Committee Reserve.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Privilege of the floor was granted to Jennifer Matz, Mayor's Office of Economic Development, who spoke addressing questions raised throughout the discussion relating to reductions in Convention and Visitors Bureau.

Amended, by:

1) De-appropriating Public Financing Fund by $1,043,000; and
2) Establishing a reserve of $1,043,000 for either the Public Financing Fund or Convention Facilities. (which requires suplemental appropriation).

Supervisor Dufty, seconded by Supervisor Chu, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Campos, Daly, Mar, Mirkarimi

Amend, by:

1) De-appropriating General Fund Reserve by $800,000; and
2) Appropriating $800,000 to the Public Financing Fund.

Supervisor Daly, seconded by Supervisor Campos, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 3 - Campos, Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Supervisor Daly moved to divide the question relating to "Page 114, Department of Public Health, Line PHMCJC, Community Justice Center, in the amount of $396,717; and Page 129, Sheriff, Line PSSCPP, Community Justice Center, in the amount of $506,090."

The question relating to "Department of Public Health & Sheriff line items" was passed as divided by the following vote:
Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Campos, Daly, Mar, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Board of Supervisors Sitting as a Committee of the Whole

090585 [Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]
Mayor, Supervisors Chiu, Dufty, Mar, Campos

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

The President inquired as to whether any member of the public wished to address the Board members on the amended portion of the ordinance relating to local hiring. Fatima Holmes; Male Speaker; Male Speaker; Terry Anders; Jesse Mason; Female Speaker; Josh Suarez; Richard McRee; spoke in support of the amendment. There were no other speakers.
The President declared the public comment closed on the amended portion of the ordinance relating to local hiring.

Continued to July 28, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090608 **[Charter Amendment - Allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated]**
Supervisor Daly

Charter Amendment (Second Draft) to amend Sections 9.103 and 9.104 to allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, requiring the relevant City departments to report to the Board on their plans for expenditure of the money appropriated, and allowing the Mayor to reject or reduce an appropriation identified as mandatory, and to reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

(Supervisor Chu dissented in Committee.)

NOT ORDERED SUBMITTED by the following vote:
Ayes: 4 - Campos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

090622 **[Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan and imposing a deadline of May 15th for submission of MOUs for miscellaneous and safety employees to the Board of Supervisors.]**
Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos

Charter Amendment (First Draft) to amend Sections 2.103, 2.108, 2.117, 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, 16.112, and Article XVII, and adding Sections 9.119, 9.120, and 9.121 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the Board of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of June 30th for the Board of Supervisors to approve or adopt new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, require that City departments, including the Board of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.

ORDERED SUBMITTED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Daly, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090698 [Planning Fee Procedures and Adjustments]
Mayor

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for Department facilitated pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090737 [Approval of Sustainable Crushing Ventures, LLC Lease]
Supervisor Maxwell

Resolution approving the Port Commission Lease No. L-14705 with Sustainable Crushing Ventures, LLC, for a five year term with a five year extension option for certain real property located at Pier 94, Seawall Lot 352 in the City and County of San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090855 [Assessment Ballots for City Parcels, for the proposed renewed and expanded Greater Union Square Business Improvement District]
Supervisor Chiu

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of four parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090834 [California Public Employees' Retirement System (CalPERS) Contract Amendment]
Supervisor Elsbernd

Resolution of intention to approve an amendment to contract between the Board of Administration, California Public Employees' Retirement System (CalPERS), and the Board of Supervisors, City and County of San Francisco.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090766 **[1975-1999 Bryant Street Lease Amendment]**

Resolution authorizing, retroactively, a Lease Amendment to extend the term for five years for real property at 1975-1999 Bryant Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

090787 **[Lease of Real Property at 100 Larkin Street]**

Resolution authorizing the lease of 683 square feet of space to the Nasra Family Partnership, in the Main Library located at 100 Larkin Street, San Francisco, on behalf of the San Francisco Public Library. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

From the Budget and Finance Committee Without Recommendation

090184 **[Declaring emergency under California Constitution Article XIIIC, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]**

Supervisors Chiu, Dufty, Mirkarimi, Campos

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that State law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if State law authorizes the City to impose it and directing its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

Supervisor Campos requested to be added as a co-sponsor.

Continued to July 28, 2009.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090136 [Measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]

Supervisors Chiu, Dufty, Mirkarimi, Campos

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the November 3, 2009 general municipal election.

(Economic Impact)

Supervisor Campos requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Absent: 1 - Daly

090134 [0.25% Sales Tax Increase for Health and Human Services and Public Protection]

Supervisor Avalos

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the November 3, 2009, election.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.25%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the November 3, 2009, election.

(Economic Impact)

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Absent: 1 - Daly

Supervisor Avalos, seconded by Supervisor Mar, moved to rescind the previous vote. The motion to rescind the previous vote was passed by the vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NOT PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Absent: 1 - Daly

Recommendation of the City Operations and Neighborhood Services Committee

090419 [Increasing prize limit for charitable bingo games]
Supervisors Dufty, Avalos, Campos, Elsbernd, Chu

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from $250 to $500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the Land Use and Economic Development Committee

090809 [Street Artist Spaces - 17th Street at Castro and Market Streets]
Supervisors Dufty, Campos

Resolution approving designation for six (6) months of eight (8) temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists; said spaces subject to Board of Supervisors review. (Arts Commission)

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Reverend Billy Talen in recognition of his contributions to the City's arts community and for his work promoting economic justice and defending public space.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Richard McRee; expressed concerns relating to green housing.
Dr. O'Renshay; expressed concerns relating to health and patient confidentiality.
Kate Redland; spoke expressing support for SB 792.
Roxanne Harris; expressed concerns relating to deficit.
Walter Paulson; shared in song certain concerns with the Board.
Vicky; expressed concerns relating public comment.
Marie Harrison; spoke expressing support for SB 792.
Chris Sherman; expressed various concerns.
Ace Washington; expressed concerns relating to Western Addition Neighborhood.
Female Speaker; expressed concerns relating to department corruption.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090910 [Accept and Expend Grant - Department of Public Health - $10,676]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of $10,676 to provide project management and collaboration services for the period of March 1, 2009, through August 31, 2009.

ADOPTED

090911 [Accept and Expend Grant - Department of Public Health - $90,463]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of $90,463 to oversee and coordinate the research project for the period of April 10, 2009, through March 31, 2010.

ADOPTED

090857 **[Final Map - 1888 Geneva Avenue]**

Motion approving Final Map 3865, a 48 Unit Residential Condominium Project, located at 1888 Geneva Avenue being a subdivision of Lot 236 in Assessors Block No. 6423 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,238; District 11,)

APPROVED

090858 **[Final Map - 559, 567-569 Vallejo Street and 66 Fresno Street]**

Motion approving Final Map 5033, a Two Airspace Subdivision: Parcel "A" being a 5 Unit Residential Condominium Project and Parcel "B" being a One Lot Airspace, located at 559, 567-569 Vallejo Street and 66 Fresno Street, being a subdivision of Lot 047 in Assessors Block No. 0145 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,239; District 3,)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that this matter be severed so that it may be considered separately.

090890 **[Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]**
Supervisor Alioto-Pier

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Absent: 1 - Daly

Supervisor Mar requested that these matters be severed so that they may be considered separately.

090900 **[Final Map - Hunters Point Shipyard - Phase 1 Hilltop]**

Motion approving Final Map No. 4231, a 154-lot subdivision for condominium purposes, being a 901 unit residential and 2 unit commercial condominium project within the Hunters Point Shipyard Redevelopment Plan; approving a Public Improvement Agreement and certain offers of dedication related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Hunters Point Shipyard Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order 178,237; District 10.)

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Avalos, Mar, Mirkarimi
Absent: 1 - Daly

090901 **[Final Map - Hunters Point Shipyard - Phase 1 Hillside]**

Motion approving Final Map No. 5255, a 131-lot subdivision for condominium purposes, being a 397 unit residential condominium project within the Hunters Point Shipyard Redevelopment Plan; approving a Public Improvement Agreement and certain offers of dedication related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Hunters Point Shipyard Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order 178,238; District 10.)

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Avalos, Mar, Mirkarimi
Absent: 1 - Daly

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090895 **[Settlement of Lawsuit - Linda Caratti - $$80,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for $80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

7/7/09, RECEIVED AND ASSIGNED to Rules Committee.

090896 **[Settlement of Lawsuit - John Williams - $27,000]**

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for $27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

7/7/09, RECEIVED AND ASSIGNED to Rules Committee.

090897 **[Settlement of Lawsuit - Benson Chen - $75,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for $75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

7/7/09, RECEIVED AND ASSIGNED to Rules Committee.

090898 **[Settlement of Lawsuit - Yue Kong Kam - $102,327.06]**

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for $102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

7/9/09, RECEIVED AND ASSIGNED to Rules Committee.

090899 [Settlement of Lawsuits - United States of America - $7,000,000]

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for $7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating $7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

7/13/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090823 [Authorization for continued membership in 18 County CalWIN Consortium]

Resolution amending Resolution No. 1094-99 passed on December 6, 1999, to continue authority for the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with State requirements. This resolution will expand the expenditure authority from $29,419,538 for an additional amount of $13,110,600 from July 1, 2010, through July 31, 2013. The total project budget including this extension is $42,530,138. Please note: State and Federal reimbursement is at 92% of $42,530,138. County general fund portion is $3,402,241 from 1999 through 2013. The County general fund portion for the extension period is $1,048,848. (Human Services Department)

(Fiscal Impact.)

6/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

7/10/09, SUBSTITUTED. Department of Human Services submitted a substitute resolution bearing new title.

7/10/09, ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:24 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, July 28, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Chu, Daly	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

JUL 30 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of June 30, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090698 [Planning Fee Procedures and Adjustments]
Mayor

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for Department facilitated pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

FINALLY PASSED

090757 [Nineteenth Amendment to the Treasure Island Event Venues Master Lease]

Resolution retroactively approving the Nineteenth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

ADOPTED

090758 [Twentieth Amendment to the Treasure Island Event Venues Master Lease]

Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises. (Treasure Island Development Authority)

ADOPTED

090759 **[Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]**
Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

ADOPTED

090760 **[Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]**
Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises. (Treasure Island Development Authority)

ADOPTED

090761 **[Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]**
Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401, and the lot surrounding Building 450 in the Leased Premises. (Treasure Island Development Authority)

ADOPTED

090762 **[Twelfth Amendment to the Treasure Island Marina Master Lease]**
Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

ADOPTED

090763 **[Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease]**
Resolution retroactively approving the Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

ADOPTED

090764 **[Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]**
Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501, and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises. (Treasure Island Development Authority)

ADOPTED

090785 **[Lease of Real Property at 649-651 Bryant Street]**
Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block No. 3777, Lot No. 050), San Francisco, for the San Francisco Public Utilities Commission. (Real Estate Department)

(Fiscal Impact.)

ADOPTED

090830 **[Airport Concession Lease]**

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

ADOPTED

090836 **[Lease of concession properties within the Japanese Tea Garden in Golden Gate Park]**

Supervisors Mirkarimi, Mar, Dufty

Resolution authorizing and approving the execution, delivery and performance of a Lease for the management and operation of the concessions associated with the Japanese Tea Garden in Golden Gate Park.

ADOPTED

090856 **[Approval of Amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program - $15,279,662]**

Supervisor Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program (OCIP) for the Laguna Honda Hospital Replacement Program from $9,915,928 to $15,279,662.

(Fiscal Impact.)

ADOPTED

090862 **[Accept and Expend Federal Grant - Department of Public Works - $13,540,000]**

Mayor

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds totaling $13,540,000.

ADOPTED

090884 **[Dissolution of San Francisco Airport Improvement Corporation]**

Resolution approving the dissolution of the San Francisco Airport Improvement Corporation, the appointment of directors, and related matters. (Airport Commission)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090778 **[Annual Salary Ordinance, FY 2009-2010]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

See the full compliment of amendments as referenced with File No. 090779.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090779 **[Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]**

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Supervisor Daly moved to divide the question relating to "Page 114, Department of Public Health, Line PHMCJC, Community Justice Center, in the amount of $396,717; and Page 129, Sheriff, Line PSSCPP, Community Justice Center, in the amount of $506,090."
The question relating to "Department of Public Health & Sheriff line items" was PASSED, as divided, by the following vote:
Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Campos, Daly, Mar, Mirkarimi

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

From the Budget and Finance Committee Without Recommendation

090184 **[Declaring an emergency under California Constitution Article XIIIC, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]**

Supervisors Chiu, Dufty, Mirkarimi, Campos

Resolution declaring an emergency under California Constitution Article XIIIC, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that State law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if State law authorizes the City to impose it and directing its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090136 **[Measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]**

Supervisors Chiu, Dufty, Mirkarimi, Campos

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the November 3, 2009 general municipal election.

(Economic Impact)

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

090419 [Increasing prize limit for charitable bingo games]
Supervisors Dufty, Avalos, Campos, Elsbernd, Chu

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from $250 to $500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

090585 [Safe Streets and Road Repair General Obligation Bond Election - $368,000,000]
Mayor, Supervisors Chiu, Dufty, Mar, Campos

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090631 **[Recreation and Park Department - Renaming Candlestick Park]**
Supervisors Dufty, Elsbernd

Motion ordering submitted to the voters an ordinance amending San Francisco Administrative Code Section 4.245 to allow the Recreation and Park Department to enter into an agreement for the naming of City-owned sports stadium located at Candlestick Point, and to use fifty percent of the revenue from the agreement to fund recreation center directors at an election to be held on November 3, 2009.

(Fiscal Impact.)

APPROVED by the following vote:
Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

090637 **[Professional services agreement to provide professional engineering services for SFPUC Calaveras Dam Project]**
Supervisor Elsbernd

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $9,689,663, for a total revised agreement amount of $24,000,000, and extend the agreement term by seven years for a total revised agreement term of thirteen years, pursuant to San Francisco Charter Section 9.118.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090820 **[Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency - $26,505,777]**
Mayor

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090541) to reflect the addition of temporary and permanent salaries of $7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of $26,505,777 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090848 **[Emergency contract to repair the Fireboat at Pier 22 1/2]**
Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to repair the Fireboat at Pier 22 1/2. (Public Works Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090886 [Water Revenue Bond Issuance - $1,310,307,119]
Supervisor Avalos

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090887 [Water Revenue Bonds Issuance - not to exceed $1,120,185,000]
Supervisor Avalos

Resolution approving the issuance of not to exceed $1,120,185,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith, and related matters.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090823 [Authorization for continued membership in 18 County CalWIN Consortium]
Resolution amending Resolution No. 1094-99 passed on December 6, 1999, to continue authority for the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with State requirements. This resolution will expand the expenditure authority from $29,419,538 for an additional amount of $13,110,600 from July 1, 2010, through July 31, 2013. The total project budget including this extension is $42,530,138. Please note: State and Federal reimbursement is at 92% of $42,530,138. County general fund portion is $3,402,241 from 1999 through 2013. The County general fund portion for the extension period is $1,048,848. (Human Services Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P., for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090799 [UCSF Medical Center Mission Bay Helipad Project]

Supervisors Maxwell, Dufty

Resolution approving the proposed helipad at the UCSF Medical Center at Mission Bay under California Public Utilities Code Section 21661.5 and adopting environmental findings under the California Environmental Quality Act, including a mitigation monitoring and reporting program and a statement of overriding considerations.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090870 [Hearing - Greater Union Square Business Improvement District]

Hearing scheduled for July 28, 2009, at 3:00 p.m., to hear persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Karen Flood Eklund; Russell Keil; Louis Meunier; Heather Almond; Lisa Kershner; Anson Lee; Spencer Sechler; Daphne Handelin; Man J. Kim; Stephen Brett; J. Timothy Falvey; Connie Hartgraves; Diana Holland-Cramer; Don Thomas; Carolyn Diamond; Rob Black; Leigh Ann Baughman; Laurie Armstrong; Jenny Benton; Walter Paulson; Deb Niemann; Linda Lucero; Elaine Zamora; Linda Mjellem; Ken Cleveland; Wes Tyler; David Nadelman; Tajiri Weinsberry; and Sam Sahid; spoke in support of the Greater Union Square Business Improvement District. John Handlery; spoke in opposition to the Greater Union Square Business Improvement District. Mr. Wright; spoke expressing various comments relating to the Tenderloin. There were no other speakers. The President declared the public hearing closed.

The Clerk of the Board informed the Department of Elections that the public hearing was closed. Tabulation of the ballots cast during the public hearing began by the Department of Elections. The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted. The Clerk of the Board informed the President of the following tabulations:

Returned weighted ballots voting for the Greater Union Square Business Improvement District - 63.22%

Returned weighted ballots voting against the Greater Union Square Business Improvement District - 36.78%

The President declared that there is no majority protest.
HEARD AT PUBLIC HEARING.

090935 [Resolution to establish the Greater Union Square Business Improvement District]
Supervisor Chiu

Resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Alberto and Lili Mier in recognition of their accomplishments with La Canasa Restaurant.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Cheryl and Sarah Perliss in recognition of their accomplishments with Mudpie Clothing Company.

COMMITTEE REPORT

090819 [Management Agreement with Owners' Association for administration/management of San Francisco Tourism Improvement District]
Supervisor Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the business-based business improvement district known as the "San Francisco Tourism Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns translated in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to federal health program and economics.
Richard McRee; expressed concerns relating to inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.
John DiDonna; shared in poem certain concerns relating to faith.
Male Speaker; expressed various concerns.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090950 [Calling File Nos. 090868 and 090867 from Committee to the full Board of Supervisors, and calling for the Board to sit as a Committee of the Whole on August 4, 2009]
Supervisor Chiu

Motion calling from the Land Use & Economic Development Committee, File Nos. 090868 [Bicycle Plan adoption and related General Plan amendments] and 090867 [Zoning - Planning code amendments in connection with the 2009 Bicycle Plan]; and calling for the Board to hear these items as the Committee of the Whole on August 4, 2009.

APPROVED

090943 [Accept and Expend State Grant - Chief of Police - $25,000]
Supervisor Alioto-Pier

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game for the purchase of oil spill response equipment.

ADOPTED

090944 [Renew Revolving Fund Agreement with State - $75,000]
Supervisors Avalos, Campos

Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses for eligible homicide victims and emergency relocation for victims of domestic violence and sexual assault for an additional two years from July 1, 2009, through June 30, 2011.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090945 [Accept and Expend State Grant - Office of the District Attorney up to $88,538]
Supervisors Avalos, Campos

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to $88,538 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2009, through June 30, 2010.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090946 [Accept and Expend Grant - Department of Public Health - $22,566]
Supervisor Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of $22,566 to revise the document "Guide for HIV surveillance in low-level and concentrated epidemics;" for the period of June 15, 2009, through September 15, 2009.

ADOPTED

090947 **[Avoiding new foreign fossil fuel dependence in San Francisco's electricity supply]**
Supervisors Daly, Avalos, Campos, Mirkarimi, Mar

Resolution asking Pacific Gas & Electric Corporation to end partnership in the "Pacific Connnector" pipeline.

Supevisors Avalos and Campos requested to be added as co-sponsors.
ADOPTED

090948 **[Accept and Expend Regional Grant - Department of the Environment - $10,000]**
Supervisors Mar, Campos

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $10,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090949 **[Accept and Expend Regional Grant - Department of the Environment - $15,000]**
Supervisors Mar, Campos

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $15,000 from the San Francisco Foundation to implement the San Francisco Urban Gleaning Project.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Dufty requested that this matter be severed so that it may be considered separately.

090902 **[Final Map - 2242-2256 15th Street]**
Motion approving Final Map 4773, a merger and resubdivision, Parcel "B" being a 6 Unit residential condominium project, located at 2242–2256 15th Street being a subdivision of Lots 103 and 104 in Assessors Block No. 3540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,244; District 8.)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090878 **[Settlement of Lawsuits - John Tennison and Antoine Goff totaling $7,500,000]**

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of $7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $2,900,000. (City Attorney)

7/20/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090916 **[Approving three fuel contracts estimated to exceed $10 million]**

Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed $10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

7/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090917 **[Authorizing the Office of Contract Administration to enter into fuel-related cooperative purchasing agreements with other public entities and non-profits made up of public entities and charge an administrative fee for use of the City's fuel contract]**

Resolution authorizing the Director of the Office of Contract Administration (Purchaser) to enter into fuel-related cooperative purchasing agreements with other public entities and non-profits made up of public entities to maximize efficient buying and take advantage of bulk purchases and providing for an administrative fee to be charged to other public entities to cover the costs of the City program. (Office of Contract Administration)

7/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090918 **[Grant and Cooperative Agreement with Metropolitan Transportation Commission]**

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into a Grant and Cooperative Agreement with the Metropolitan Transportation Commission to procure, through existing TransLink® contracts, new SFMTA TransLink®-only fare collection equipment and related support services, for an amount not to exceed $29,150,000, to help complete the rollout of the regional TransLink® smartcard system. (Municipal Transportation Agency)

7/20/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:30 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, August 4, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

AUG - 6 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of July 7, 2009. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090820 [Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency - $26,505,777]
Mayor

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090778) to reflect the addition of temporary and permanent salaries of $7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of $26,505,777 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.

(Fiscal Impact.)

FINALLY PASSED

090886 [Water Revenue Bond Issuance - $1,310,307,119]
Supervisor Avalos

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P., for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Mar, moved to rescind the previous vote. The motion PASSED without objection.

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

090740 **[Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]**
Supervisors Mar, Maxwell, Mirkarimi, Daly

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

TABLED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

NEW BUSINESS

Recommendation of the Land Use and Economic Development Committee

090555 **[Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]**
Supervisor Daly

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Dennis Garden in recognition of his 39 years of service with the City of San Francisco School District upon his retirement.

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to men and women of the Northern and Park Police Stations in recognition of their continued community support, in particular for their support of National Night Out as follows:

Park Station: Captain Teri Barrett, Lieutenant Denise Fabbri; Lieutenant Arthur Borges; Lieutenant Lon Ramlan; Lieutenant Mary Stasko; Sergeant Darby Reid; Sergeant Scott Ryan; Sergeant Michael Niland

Northern Station: Captain Al Casciato; Lieutenant Belinda Kerr; Lieutenant Dave Pollitt; Lieutenant Michael Slade; Lieutenant Timothy Oberzeir; Lieutenant Tim Plyer; Sergeant Anthony Manfreda; Sergeant Carl Fabbri; Sergeant Chris Springer; Sergeant Danielle Weidman; Sergeant Darren Choy; Sergeant David Dorantes; Sergeant Jennifer Dudoroff; Sergeant Jesus Pena; Sergeant Manny Bonilla Jr.; Sergeant Marty Bandvik; Sergeant Marty Lalor; Sergeant Leon Loew; Sergeant Tim Flaherty; Sergeant William Griffin

Community: Richard Johnson

SPECIAL ORDER 4:00 P.M.

090772 **[Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]**

Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Greg Scott; David Bolaffi; Vincent Marsh; Courtney Clarkson; Danielle Kirshenbaum; David Kornheim; Greg Hayes; Julie McQuinn; spoke in support of the appeal. Leigh Kienker, Sarah Jones, and Tara Sullivan (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Sam Cuddeback and Alice Barkley (Drew School) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Jim Mine; Lewis Hunter; Peter Jargein; Jane Perraza; Jane Carter; Male Speaker; Mary Murphy; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090773 **[Affirming the certification of the 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090774 **[Reversing the certification of 2901 California Street.1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090775 **[Preparation of findings to reverse certification of 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090812 **[Public Hearing - Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17880 dated May 14, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2007.0128CV), under Planning Code Sections 209.3, 303, and 317 to allow an existing private secondary school (the Drew School), to expand its facility and enrollment cap, and to demolish an existing 3-unit building within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, on property located at 2901 California Street/1831-1835 Broderick Street, Lot Nos. 003 and 095 in Assessor's Block 1029. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/15/09; Companion measure to Files 090813, 090814, 090815; District 2.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Janet Potter; Michael Shinberg; Male Speaker (WANA); Courtney Clarkson; David Pilpel; David Bolaffi; spoke in support of the appeal. Tara Sullivan and Aaron Starr (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Sam Cuddeback, Alice Barkley, and Bonnie Fisher (Drew School) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Alisa Elliott; Phillip Stone; Mike Terry; Dan Murphy; Duncan Liam; Melissa Smith; Amina Adranni; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090813 **[Approving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion approving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street – Drew School Addition Project, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 090813, and table File Nos. 090814 and 090815. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090814 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion disapproving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Daly, moved to amend File No. 090814 to add an additional condition to the Conditional Use requiring Drew School to relocate three units of rental property at current rent control rates. The motion FAILED by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090815 **[Preparation of findings related to the Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090871 **[Public Hearing - Appeal of Mitigated Negative Declaration - 1960-1998 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion 17865, adopted April 16, 2009, affirming the decision of the Planning Department to issue a Mitigated Negative Declaration (Planning Case No. 2006.1431E) for the proposed development at 1960-1998 Market Street. The proposed project would demolish a service station and develop a mixed use building with up to 115 residential units over ground-floor commercial space and a partially subterranean garage with 69 parking spaces, located in the Market & Octavia Plan area, Assessors Block 0872, Lots 005-007. (Appellant: Tanya Gulesserian on behalf of the San Francisco Building and Construction Trades Council)

(Filed July 6, 2009; Companion Meaussre to 090872, 090873, 090874; District 5.)

The President inquired as to whether any member of the public wished to address the Board relating to the continuance. Melissa Ann Cassandra; spoke expressing various concerns. There were no other speakers. The President declared public comment relating to the continuance closed.

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090872 **[Affirming adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090873 **[Reversing adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090874 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 1960-1998 Market Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street.

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 4:00 P.M.

090912 **[Public Hearing - Appeal of Final Environmental Impact Report - San Francisco Bicycle Transportation Plan]**

Hearing of persons interested in or objecting to the Planning Commission's June 25, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0347E, through its Motion No. 17912, for the proposed update to the 2009 San Francisco Bicycle Transportation Plan, which includes minor, long-term, and near-term improvements for the bicycle route network, and amendments to the General Plan and Planning Code to reflect said Bicycle Plan. (Appellants: Catherine Liddell, representing South Beach-Rincon-Mission Bay-Neighborhood Association and Mary Miles representing Coalition for Adequate Review.)

(Filed 07/15/09; Companion measure to Files 090913, 090914, 090915.)

The President inquired as to whether any member of the public wished to address the Board. Mary Miles (Appellant) and Katy Liddell (Appellant) provided an overview of their appeals and further requested the Board to approve their appeals. Cathryn Webster; Charles Cagnin; Phillip Kui; spoke in support of the appeals. Bill Wycko (Planning Department) Amit Ghosh and Bridget Smith (Municipal Transportation Authority) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Richard Tullis; Aida Berkowitz; Dave Gardner; Female Speaker; Walter Paulson; Ranesh Chancey; Amand Jwa; Don Edwards; Neil Patel; Greg Hayes; Leah Shakem; spoke in support of the plan and in opposition to the appeals. Katy Liddell (Appellant) and Mary Miles (Appellant) provided a rebuttal and further requested the Board to approve the appeals. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090913 **[Affirming certification of the Bicycle Plan Project FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan Project.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090914 **[Reversing certification of the Bicycle Plan Project FEIR]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan Project.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090915 **[Preparation of findings to reverse certification of the Bicycle Plan Project FEIR]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 Bicycle Plan Project FEIR.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

The President inquired as to whether any member of the public wished to address the Committee of the Whole on File Nos. 090867 and 090868.

Greg Hayes; expressed various concerns.
Mary Miles; expressed concerns relating to findings and CEQA requirements.
Charles Cagnin; spoke complimenting noticing efforts.
David Pilpel; expressed concerns relating to amendments.
Marilyn Amini; expressed concerns relating to process.

John Malamut (City Attorney's Office), Steve Shotland (Planning), and Amit Ghosh (MTA) provided an overview of the General Plan and Planning Code amendments and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned the Committee of the Whole.

Called from the Land Use and Economic Development Committee

090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090868 **[Bicycle Plan adoption and related General Plan amendments]**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns translated in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Henry Warfield; expressed concerns relating to the SF Public Library.
Joan Wood; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.
Annie Kim; Antonio Balotro; Immanuel Talcon; Adolphus Cholopray; Whitfield McTair; expressed support for legislation opposing BART surcharge for San Francisco Airport employees.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Lena Horton; expressed concerns relating to the SF Public Library.
Greg Lowell; expressed concerns relating to the economy and government workers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090967 [Approving the plan to allow a gated $10 admission charge to the Lovevolution Festival in Civic Center Plaza, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation]
Supervisor Mirkarimi

Resolution approving the plan to allow a gated $10 admission charge to the Lovevolution Festival in Civic Center Plaza, which is scheduled to take place on Saturday, October 3, 2009, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation.

ADOPTED

090968 [Supporting President Obama's principles for national health care reform]
Mayor, Supervisors Chiu, Mar, Maxwell, Dufty, Mirkarimi, Alioto-Pier

Resolution supporting President Obama's principles for national health care reform.

Resolution No. 312-09
ADOPTED

090941 [Final Map - 2011 Bayshore Boulevard]

Motion approving Final Map 4976, a 64 Residential Unit Condominium Project, located at 2011 Bayshore Boulevard being a subdivision of Lot 093 in Assessors Block No. 5054A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,139; District 10.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it may be considered separately.

090966 **[Opposing BART surcharge]**
Supervisors Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos

Resolution opposing BART surcharge on SFO employees.

Supervisor Avalos requested to be added as a co-sponsor.
REFERRED to the Land Use and Economic Development Committee.

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:42 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, August 11, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

AUG 13 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of July 14, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Clerk of the Board Angela Calvillo announced that she was in receipt of a communication from the Planning Department rescinding the department's December 19, 2008, categorical exemption on the appeal for 717 Battery Street/350 Pacific Avenue, which was the subject of the 4:00 p.m. Special Order. Board President Chiu announced that the withdraw of the categorical exemption renders these items, by operation of law, no longer before the Board. File Nos. 090109, 090110, 090111, 090112 were filed pursuant to this communication.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090883 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

ADOPTED

090930 [Renew Joint Powers Agreement with State and Accept and Expend up to $2,249,136]
Supervisor Avalos

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to $2,249,136 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2009, through June 30, 2012.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090555 [Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]
Supervisor Daly

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

FINALLY PASSED

Recommendations of the Rules Committee

090878 [Settlement of Lawsuits - John Tennison and Antoine Goff totaling $7,500,000]
Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of $7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $2,900,000. (City Attorney)

PASSED, ON FIRST READING

090896 [Settlement of Lawsuit - John Williams - $27,000]
Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for $27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090897 [Settlement of Lawsuit - Benson Chen - $75,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for $75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090898 **[Settlement of Lawsuit - Yue Kong Kam - $102,327.06]**

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for $102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090899 **[Settlement of Lawsuits - United States of America - $7,000,000]**

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for $7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating $7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

090868 **[Bicycle Plan adoption and related General Plan amendments]**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090546 [Appropriating $119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]

Mayor

Ordinance appropriating $119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing $78,800,000 on Controller's reserve pending the sale of bonds.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090869 [Approval of SFPUC New Irvington Tunnel Construction Management Contract not to exceed $15 million]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed $15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090916 [Approving one fuel contract estimated to exceed $10 million]

Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed $10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090461 [Providing members of the public with access to language services]
Supervisors Chiu, Daly, Chu, Campos, Mar, Avalos

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

Supervisors Campos, Mar, and Avalos requested to be added as co-sponsors.
PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090576 [Hearing - Hunters View - Street Vacation Order]
Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144;and authorizing official acts in connection with this Ordinance.

Barbara Moy (Department of Public Works) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

From the Land Use and Economic Development Committee Without Recommendation

090575 [Hunters View - Street Vacation Order]
Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.

090956 [Public Hearing - Department of Public Health Delinquent Refuse Service Payment Liens (Garbage Liens)]

Hearing of persons interested in or objecting to the report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating special assessments and liens based thereon.

Scott Nakamura (Department of Public Health) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090957 [Unpaid Department of Public Health Delinquent Refuse Service Payments to become Special Assessments and liens billed with property taxes]

Resolution confirming report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.

090958 [Public Hearing - Department of Building Inspection Special Assessment of Liens for Assessment of Cost]

Hearing of persons interested in or objecting to the report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

Alan Davison (Department of Building Inspection) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. Yick Wong spoke expressing concerns relating to process. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090959 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

See additional information under Communications above.

090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

FILED.

090110 **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

FILED.

090111 **[Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

FILED.

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

FILED.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

090895 [Settlement of Lawsuit - Linda Caratti - $80,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for $80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090970 [Reappointment, Recreation and Parks Commission - Larry Martin]

Motion approving the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Recommendations of the Rules Committee

090973 [Reappointment, Recreation and Parks Commission - David Lee]

Motion rejecting the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

NOT APPROVED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

090974 [Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]
Supervisor Elsbernd

Motion approving the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – July 13, 2009.)

Supervisor Elsbernd requested to be added as sponsor.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090976 [Reappointment, Civil Service Commission - Dennis Normandy]

Motion approving the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090554 [Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]
Supervisors Chiu, Dufty, Mar

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090889 [Regulations for Mortgage Modification Consultants]
Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar, Avalos

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

Supervisors Mar and Avalos requested to be added as co-sponsors.
PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090966 [Opposing BART surcharge]
Supervisors Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos, Mar

Resolution opposing BART surcharge on SFO employees.

Supervisor Mar requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
John DiDonna; shared in poem certain concerns with the Board.
Female Speaker; expressed support for resolution regarding hate speech in the media.
Carmen; expressed support for resolution regarding hate speech in the media.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Male Speaker; expressed various religious concerns.
Henry Warfield; expressed concerns relating to the SF Public Library.
Francisco DeCosta, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090995 [Urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media and to update the 1993 report on the Role of Telecommunications in Hate Crimes]
Supervisors Campos, Avalos, Chiu, Dufty, Daly, Mar, Mirkarimi, Maxwell

Resolution urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media, allowing public participation via public hearings, and to update the 1993 report on the Role of Telecommunications in Hate Crimes, including public participation via public hearings.

ADOPTED

090996 [Recognizing and honoring Tim Reagan's contribution to social justice and workers' rights]
Supervisor Daly

Resolution acknowledging Tim Reagan's contributions to the struggle for social justice and workers' rights for more than two decades.

ADOPTED

090395 [Final Map - 1355 Pacific Avenue]
Motion approving Final Map 5525, a 23 unit residential condominium project, located at 1355 Pacific Avenue being a subdivision of Lot 031 in Assessors Block No. 0184 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,260; District 3.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

090997 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Dufty, moved to assign former Supervisor Jake McGoldrick, as an individual voter who is eligible to vote, to write the official proponent argument for the Charter Amendment relating to legislative aides on behalf of the Board of Supervisors.
The motion PASSED without objection.

Supervisor Campos, seconded by Supervisor Avalos, moved to assign Supervisor Chiu to write the official proponent argument for the Charter Amendment relating to budgetary cycle on behalf of the Board of Supervisors.
The motion PASSED without objection.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to assign Supervisor Dufty to write the official proponent argument for the ordinance relating to Candlestick Point on behalf of the Board of Supervisors.
The motion PASSED without objection.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to delete the Charter Amendment relating to legislative aides thereby not assigning an opponent argument.
The motion PASSED without objection.

Supervisor Daly, seconded by Supervisor Campos, moved to assign Supervisor Daly to write the official opponent argument for the Charter Amendment relating to budgetary cycle on behalf of the Board of Supervisors.
The motion PASSED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved to assign Supervisor Daly to write the official proponent argument for the Ordinance relating to Candlestick Point on behalf of the Board of Supervisors.
The motion PASSED without objection.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090791 [Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

7/31/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090780 [Revisions to Division I of the San Francisco Transportation Code]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

6/8/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

8/3/09, SUBSTITUTED.

8/3/09, ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

090879 [Approving amendment to engineering services agreement for SFPUC New Irvington Tunnel Project]

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $3,900,000, for a total revised agreement amount of $13,898,561, and extend the agreement term by one year for a total revised agreement term of eight years, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090979 [CEQA findings for San Francisco Public Utilities Commission Water System Improvement Program Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090980 [CEQA findings for SFPUC Water System Improvement Program San Joaquin Pipeline System Project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project, Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:25 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

AUG 21 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, August 18, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, Supervisor Dufty was noted absent. There was a quorum.

Supervisor Dufty Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to excuse Supervisor Dufty from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of July 21, 2009, and July 28, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

COMMUNICATIONS

President Chiu announced the Board of Supervisors will be in recess beginning August 19, 2009. The next Regular Board Meeting of the Board of Supervisors is scheduled September 15, 2009. There were no further announcements.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. The Mayor's Liaison to the Board of Supervisors, Starr Terrell, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090546 [Appropriating $119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]
Mayor

Ordinance appropriating $119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing $78,800,000 on Controller's reserve pending the sale of bonds.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

090634 [Accept and Expend Federal Grant - Airport Commission - $203,000]
Supervisor Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $203,000 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

ADOPTED

090635 [Accept and Expend Federal Grant - Airport Commission - $350,500]
Supervisor Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $350,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

ADOPTED

090932 [Accept and Expend Grant - HIV Testing and Counseling in STD Clinics - $122,160]
Supervisor Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the University of Miami in the amount of $122,160 to perform a randomized clinical trial comparing the relative efficacy and cost-effectiveness of two HIV testing strategies; for the period of September 30, 2009, through September 29, 2011.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090554 **[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]**
Supervisors Chiu, Dufty, Mar, Avalos

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

Supervisor Avalos requested to be added as a co-sponsor.
FINALLY PASSED

090889 **[Regulations for Mortgage Modification Consultants]**
Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar, Avalos

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

FINALLY PASSED

Recommendations of the Rules Committee

090219 **[Amendment to post-employment restrictions]**
Supervisor Elsbernd

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

PASSED, ON FIRST READING

090461 [Providing members of the public with access to language services]
Supervisors Chiu, Daly, Chu, Campos, Mar, Avalos, Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

Supervisor Mirkarimi requested to be added as a co-sponsor.
FINALLY PASSED

090878 [Settlement of Lawsuits - John Tennison and Antoine Goff totaling $7,500,000]

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of $7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of $2,900,000. (City Attorney)

FINALLY PASSED

090896 [Settlement of Lawsuit - John Williams - $27,000]

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for $27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090897 [Settlement of Lawsuit - Benson Chen - $75,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for $75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090898 [Settlement of Lawsuit - Yue Kong Kam - $102,327.06]

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for $102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090899 **[Settlement of Lawsuits - United States of America - $7,000,000]**

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for $7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating $7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

FINALLY PASSED

090120 **[Appointments, Community Oversight Committee Regarding Enforcement of Marijuana Offenses - Gregory Ledbetter, Catherine Smith and Michael Barbitta]**

Motion appointing Gregory Ledbetter, Catherine Smith and Michael Barbitta, terms ending January 1, 2011, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Gregory Ledbetter, seat 1, succeeding Mira Ingram, term expired, must be a medical cannabis patient, for the unexpired portion of a two-year term ending January 1, 2011.
Catherine Smith, seat 3, succeeding herself, term expired, must be representative of a medical cannabis dispensary operating in San Francisco, for the unexpired portion of a two-year term ending January 1, 2011.
Michael Barbitta, seat 5, succeeding Patt Denning, resigned, must be a harm reduction practitioner, for the unexpired portion of a two-year term ending January 1, 2011.

APPROVED

090953 **[Appointments, Commission of Animal and Welfare - Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks]**

Motion appointing Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks, terms ending April 30, 2011, to the Commission of Animal Control and Welfare.

Philip Gerrie, seat 3, succeeding himself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011.
Pam Hemphill, seat 4, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011.
Sally Stephens, seat 5, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011.
Andrea Brooks, seat 6, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2011.

APPROVED

090954 [Appointments, Immigrant Rights Commission - Lorena Melgarejo, Felix Fuentes and Ana Perez]

Motion appointing Lorena Melgarejo, Felix Fuentes and Ana Perez, residency requirement waived, terms ending June 6, 2011, to the Immigrant Rights Commission.

Lorena Melgarejo, seat 6, succeeding Rael Silva, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.
Felix Fuentes, seat 8, succeeding himself, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.
Ana Perez (residency requirement waived), seat 10, succeeding herself, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

090575 [Hunters View - Street Vacation Order]

Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Dufty

From the Rules Committee Without Recommendation

090895 **[Settlement of Lawsuit - Linda Caratti - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for $80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Dufty

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090964 **[Appropriating $194,279,046 to fund construction of the Public Utilities Commission's Headquarters Building at 525 Golden Gate Avenue for FY 2009-2010, and adopting environmental findings]**
Mayor, Supervisor Dufty

Ordinance appropriating $194,279,046, including $167,670,000 in Certificates of Participation and $26,609,046 in Hetch Hetchy unappropriated fund balance to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and placing $167,670,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090985 **[Setting San Francisco FY 2009-2010 property tax rate and establishing pass-through rate for residential tenants]**
Supervisor Avalos

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090986 [Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]

Supervisor Avalos

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090987 [Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]

Supervisor Avalos

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090988 [Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]

Supervisor Avalos

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090918 [Grant and Cooperative Agreement with Metropolitan Transportation Commission not to exceed $29,150,000]

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into a Grant and Cooperative Agreement with the Metropolitan Transportation Commission to procure, through existing TransLink® contracts, new SFMTA TransLink®-only fare collection equipment and related support services, for an amount not to exceed $29,150,000, to help complete the rollout of the regional TransLink® smartcard system. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090965 [Certificates of Participation for 525 Golden Gate Avenue]
Mayor, Supervisor Dufty

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; authorizing the reimbursement of prior expenditures; ratifying the approvals and terms and conditions of a previous resolution; and related matters.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090907 [Contract to rehabilitate 16 Presidential Conference Committee historic streetcars]
Supervisor Chiu

Resolution authorizing the Municipal Transportation Agency to enter into a contract with Brookville Equipment Corporation to rehabilitate 16 Presidential Conference Committee historic streetcars for an amount not to exceed $18,712,576 and a term not to exceed five years.

(Fiscal Impact.)

Supervisor Avalos indicated amendments to the contract included in the File No. 090907.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090969 [Lease purchase financing for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital not to exceed $25,000,000]
Mayor

Resolution authorizing the Executive Administrator of the San Francisco General Hospital to obtain lease purchase financing in an amount not to exceed $25,000,000 for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital; approving the form of a lease purchase financing agreement between San Francisco General Hospital and a lender named therein, and approving and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090994 [Certificates of Participation for multiple capital improvement projects]
Mayor

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the execution and delivery of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; ratifying the approvals and terms and conditions of a previous resolution; declaring the official intent of the City and County of San Francisco to reimburse itself from the proceeds of future bonded indebtedness for purposes of complying with the Internal Revenue Code of 1986, as amended; and related matters.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Recommendation of the City Operations and Neighborhood Services Committee

090940 [Jewish Home of San Francisco Psychiatric Facilities - Designation Agreement]
Mayor, Supervisors Dufty, Mirkarimi

Resolution designating Jewish Home of San Francisco as an Evaluation and Treatment Facility for individuals 75 years and older; and authorizing the Director for Community Behaviorial Health Services to enter into a Designation Agreement with said facility.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

From the City Operations and Neighborhood Services Committee Without Recommendation

090888 [Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]
Supervisor Dufty

Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street.

Continued to September 15, 2009.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Recommendations of the Land Use and Economic Development Committee

090933 [Unpermitted Subsidewalk Encroachment into Public Right-of-Way]
Supervisors Chiu, Elsbernd

Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090934 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisors Chiu, Elsbernd

Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Chu, moved to excuse Supervisor Daly from voting on File No. 090866. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Daly, Dufty

090866 [Traffic Regulation - Closure of McCoppin Street west of Valencia Street to vehicular traffic]
Supervisor Mirkarimi

Resolution closing McCoppin Street west of Valencia Street to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; and authorizing official acts in connection with the street closure.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Daly, Dufty

Recommendation of the Rules Committee

Supervisor Mar Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisor Mar from voting on File No. 090952. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Dufty, Mar

090952 [Appointment, California State Association of Counties - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending November 28, 2009, to the California State Association of Counties.

Supervisor Eric Mar, seat 1, succeeding Jake McGoldrick, term expired, must be a Member of the Board of Supervisors, for the unexpired portion of a one-year term ending November 28, 2009.

APPROVED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Dufty, Mar

091022 [Appointment, Immigrants Rights Commission - Toye Moses]

Motion appointing Toye Moses, term ending June 6, 2011, to the Immigrant Rights Commission.

Toye Moses, seat 11, succeeding himself, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have demonstrated knowledge of and interest in health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.
(Supervisor Daly dissented in Committee.)

APPROVED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Dufty

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to the 'SF Rebels' basketball team in recognition of their abilities, skills and talents as follows:

Players: Darryl Cooper, Teandre Hubbard, Deend Parker, Demaree Hampton, Arthur Fodor, Wesley Hanspard, Vincent Bastidas, Ivan Dorsey, Garrett Moon, Byron Jones, Kevin Brown, Stephen Powell, Gione Edwards, Kemari Mitchell, Jeremy Jetton, Adam Del Castillo, Jamarea Biggins; Patrick Dungo, Muawattia Mabrey, Gary Moore, Kyani Harris, Galen Hall, Lavander Moore, and Hamp Banks.

Coaches: Nate Ford, Deon Otis, Randy Besslo, Guy Hudson, and Howard Smith.

President Chiu, on behalf of the Board of Supervisors, recognized the Mayor's Budget Director, Nani Coloretti, for her service to the City and County of San Francisco and wished her well upon her departure to become the Deputy Assistant Secretary to the U.S. Treasurer.

SPECIAL ORDER 4:00 P.M.

090875 [Public Hearing - Conditional Use Appeal for 1960-1998 Market Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17894 dated June 4, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.1431ECV), pursuant to Planning Code Sections 121.1, 228, 303, and 731.11 to allow the demolition of a service station and the development of a mixed use building (with up to 115 residential units over ground-floor commercial space and partially subterranean garage for 69 independently accessible off-street parking spaces: 58 - residential; 5 - commercial; and 6 - car-share) on a development lot over 9,999 square feet within the Market & Octavia Plan Area, an NCT-3 (Neighborhood Commercial, Moderate Scale, Transit) District and an 85-X Height and Bulk District, on property located at 1960-1998 Market Street, Lot Nos. 005, 006, & 007 in Assessor's Block 0872. (Appellant: Stephen M. Williams)

(Filed 7/6/09; Companion measure to Files 090923, 090924, 090925; District 8.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to continue File Nos. 091016, 091017, 091018, and 091019 to September 15, 2009. The motion PASSED without objection.

Supervisor Maxwell, seconded by Supervisor Mar, moved to rescind the previous vote. The motion to rescind PASSED without objection.

The President inquired as to whether any member of the public wished to address the Board relating to the continuance. There were no other speakers. The President declared public comment relating to the continuance closed.

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090923 [Approving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]

Motion approving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090924 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090925 [Preparation of findings related to the Conditional Use Appeal for 1960-1998 Market Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.1431ECV on property located at 1960-1998 Market Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Abdullah Megaheed; expressed various concerns in Arabic and English.
Male Speaker; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Female Speaker; expressed support for the Mexican Museum project.
Male Speaker; expressed support for the Mexican Museum project.
Neil Lawrence; expressed concerns relating SFMTA and cancelled meetings.
Walter Paulson; shared in song certain concerns with the Board.
Sam Priest; expressed support for the Mexican Museum project.
Deanna Oliva; expressed support for the Mexican Museum project.
Angela Chan; expressed support for youth immigration legislation.
Nancy Cross; expressed concerns relating to law libraries.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Victor Marquez; expressed support for the Mexican Museum project.
Nora Wagner; expressed support for the Mexican Museum project.
Steven Carrera; expressed support for the Mexican Museum project.
Nicki Solis; expressed support for the Mexican Museum project.
Ron Stickle; expressed support for youth immigration legislation.
Male Speaker; expressed various religious concerns.
Edmond Juicy; expressing various concerns.
Cathy Williams; expressed support for youth immigration legislation.
Barbara Lopez; expressed support for youth immigration legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091017 [Supporting the Children's Defense Fund Health Coverage for All Children Campaign]
Supervisor Alioto-Pier

Resolution supporting the Children's Defense Fund's Health Coverage for All Children Campaign.

ADOPTED

091018 [FY 2009-2010 California Constitution Appropriations Limit]
Supervisor Avalos

Resolution establishing the appropriations limit for FY 2009-2010 pursuant to California Constitution Article XIII B.

ADOPTED

091019 [Reaffirming the Board of Supervisors' support for the expeditious completion of the Mexican Museum Project at the Yerba Buena Garden site]
Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Resolution reaffirming the Board of Supervisors' support for the Mexican Museum project, and calling upon all parties, including the San Francisco Redevelopment Agency, Millennium Partners, the San Francisco Arts Commission, and Fort Mason to support the expeditious completion of the project, including helping the Mexican Museum retain its lease with Fort Mason concurrent with and through the development, construction and actualization of the Mexican Museum project at the Yerba Buena Garden site.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

091008 [Settlement of Grievance - Elina Sulimov - $130,000]
Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for $130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)
8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

091020 **[Discretionary Review - Planning Department Fees]**

Ordinance amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings. (Planning Department)

8/12/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2009.

PROPOSED RESOLUTIONS

090955 **[Settlement of Administrative Enforcement Action]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $115,000.

8/4/09, RECEIVED AND ASSIGNED to Rules Committee.

090981 **[Street Encroachment at 1230-1240 Twin Peaks Boulevard]**

Resolution granting revocable permission to Michael Chung to occupy, excavate and regrade an existing unimproved portion of the public right-of-way to construct and maintain private concrete driveways with retaining walls, walkways and steps with accommodations for drainage and new landscaping to provide pedestrian and vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

8/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091005 **[Settlement of Unlitigated Claim - Rajitha Sangha - $30,000]**

Resolution approving the settlement of unlitigated claim of Rajitha Sangha against the City and County of San Francisco for $30,000; claim was filed on July 7, 2008. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

091006 **[Settlement of Unlitigated Claim - Ferry Building Associates - $107,798.50]**

Resolution approving the settlement of the unlitigated claim filed by Ferry Building Associates against the City and County of San Francisco for $107,798.50; claim was filed on January 26, 2009. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

091007 **[Airport Concession Lease]**

Resolution approving the Terminal 3 Concourse Specialty Store Lease to Air Sun, a joint venture between Sunglass Hut Trading, LLC and Corliss Stone-Littles, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

8/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091009 [Settlement of Unlitigated Claim - Rose Dennis - $90,670.20]

Resolution approving settlement of the unlitigated claim submitted by Rose Dennis against the City and County of San Francisco for $90,670.20; claim was submitted on April 2, 2009. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:11 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

SEP 17 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 15, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of August 4, 2009, and August 11, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090964 [Appropriating $194,279,046 to fund construction of the Public Utilities Commission's Headquarters Building at 525 Golden Gate Avenue for FY 2009-2010, and adopting environmental findings]
Mayor, Supervisor Dufty

Ordinance appropriating $194,279,046 including $167,670,000 in Certificates of Participation and $26,609,046 in Hetch Hetchy unappropriated fund balance to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and placing $167,670,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.

(Fiscal Impact.)

FINALLY PASSED

090985 [Setting San Francisco FY 2009-2010 property tax rate and establishing a pass-through rate for residential tenants]
Supervisor Avalos

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

FINALLY PASSED

090986 [Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]
Supervisor Avalos

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

FINALLY PASSED

090987 [Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]
Supervisor Avalos

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

FINALLY PASSED

090988 [Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]
Supervisor Avalos

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

090933 [Unpermitted Subsidewalk Encroachment into Public Right-of-Way]
Supervisors Chiu, Elsbernd

Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.

FINALLY PASSED

090934 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisors Chiu, Elsbernd

Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.

FINALLY PASSED

Recommendation of the Rules Committee

090219 [Amendment to post-employment restrictions]
Supervisor Elsbernd

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

090888 [Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]
Supervisor Dufty

Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street.

Privilege of the floor was granted to Judson True (MTA) who spoke providing details relating to traffic calming alternatives.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Board of Supervisors Sitting as a Committee of the Whole

See File No. 091087 below.

091081 [Committee of the Whole - Mayor's Notice of Appointments of Barbara Sklar and Astrid Haryati to the Arts Commission]

Hearing to consider the motions to approve or reject the Mayor's appointments of Barbara Sklar, term ending July 1, 2011, and Astrid Haryati, term ending on January 15, 2010, to the Arts Commission.

The President inquired as to whether any member of the public wished to address the Board relating to the Mayor's appointments referenced in File Nos. 091061, 091062, 091063, 091064. Jill Monton (Arts Commission) spoke in support of both applicants. Francisco Da Costa spoke relating to timing of appointments. James Chaffee spoke expressing concerns relating to past appointments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

091061 [Appointment, Arts Commission - Barbara Sklar]

Motion approving the Mayor's appointment of Barbara Sklar to the Arts Commission, for the term ending July 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – August 21, 2009.)

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Avalos, Daly, Mar, Mirkarimi

091062 [Appointment, Arts Commission - Barbara Sklar]

Motion rejecting the Mayor's appointment of Barbara Sklar to the Arts Commission, for the term ending July 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – August 21, 2009.)

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Avalos, Daly, Mar, Mirkarimi

091063 [Appointment, Arts Commission - Astrid Haryati]

Motion approving the Mayor's appointment of Astrid Haryati to the Arts Commission, for the term ending January 15, 2010.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – August 21, 2009.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

091064 [Appointment, Arts Commission - Astrid Haryati]

Motion rejecting the Mayor's appointment of Astrid Haryati to the Arts Commission, for the term ending January 15, 2010.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – August 21, 2009.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

090871 [Public Hearing - Appeal of Mitigated Negative Declaration - 1960-1998 Market Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion 17865, adopted April 16, 2009, affirming the decision of the Planning Department to issue a Mitigated Negative Declaration (Planning Case No. 2006.1431E) for the proposed development at 1960-1998 Market Street. The proposed project would demolish a service station and develop a mixed use building with up to 115 residential units over ground-floor commercial space and a partially subterranean garage with 69 parking spaces, located in the Market & Octavia Plan area, Assessors Block 0872, Lots 005-007. (Appellant: Tanya Gulesserian on behalf of the San Francisco Building and Construction Trades Council)

(Filed July 6, 2009; Companion measure to 090872, 090873, 090874; District 5.)

The President inquired as to whether any member of the public wished to address the Board. Tanya Gulesserian (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Michael Theriault; John O'Rourke; Joel Koppel; Tony Rodriguez; John Huang; John; Ian Louis; Raymond Rivera; Margo Cristein; Steve Williams; Male Speaker; David Ruper; William Mascone; Ruben Hanna; Male Speaker; Georgie Faye; Mark Soleman; spoke in support of the appeal. Sarah Jones and Debra Dwyer (Planning Department) and Stephanie Cushing (Publlic Health Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Brian Spiers (Project Sponsor) and David Sagada (Project Attorney) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Tim Cole; Chris Foley; Jim Ryan; Joe Casey; Laurence Power; Derek Spanks; Vic Hundahl; Colin Yasukochi Miles Garber; Josh Nancick; spoke in support of the project and in opposition to the appeal. Tanya Gulesserian (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090872 [Affirming adoption of the mitigated negative declaration for 1960-1998 Market Street]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090873 [Reversing adoption of the mitigated negative declaration for 1960-1998 Market Street]

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090874 [Preparation of findings to reverse adoption of the mitigated negative declaration for 1960-1998 Market Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street.

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

090875 [Public Hearing - Conditional Use Appeal for 1960-1998 Market Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17894 dated June 4, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.1431ECV), pursuant to Planning Code Sections 121.1, 228, 303, and 731.11 to allow the demolition of a service station and the development of a mixed use building (with up to 115 residential units over ground-floor commercial space and partially subterranean garage for 69 independently accessible off-street parking spaces: 58 - residential; 5 - commercial; and 6 - car-share) on a development lot over 9,999 square feet within the Market & Octavia Plan Area, an NCT-3 (Neighborhood Commercial, Moderate Scale, Transit) District and an 85-X Height and Bulk District, on property located at 1960-1998 Market Street, Lot Nos. 005, 006, & 007 in Assessor's Block 0872. (Appellant: Stephen M. Williams)

(Filed 7/6/09; Companion measure to Files 090923, 090924, 090925; District 8.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. David Ruper; William Mascone; Francis Lonnie; Georgie Faye; Judy Watson; Ruben Hanna; Maria Villareal; spoke in support of the appeal. Larry Badiner, AnMarie Rodgers, and Jonas Ionin (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Brian Spiers (Project Sponsor) and David Sagada (Project Attorney) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Kevin Chang; Derek Spanks; Colin Yasukochi; Josh Nancick; Eurick Geigen; Bob Noelke; Tim Cole; Luke O'Brien; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090923 [Approving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]

Motion approving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090924 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090925 **[Preparation of findings related to the Conditional Use Appeal for 1960-1998 Market Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.1431ECV on property located at 1960-1998 Market Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

COMMITTEE REPORT

Recommendation from the City Operations and Neighborhood Services Committee

091035 **[Accept and Expend Federal Grant Funds - Airport - $11,000,000]**
Mayor, Supervisor Elsbernd

Resolution authorizing the Airport to accept and expend a grant in the amount of $11,000,000 from the Federal Aviation Administration for additional American Recovery and Reinvestment Act funds to enhance airfield safety projects.

Resolution No. 362-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Christopher Mohammad; expressed concerns relating to the poor and disenfranchised.
Alex; expressed concerns relating to Bayview Hunter's Point.
Male Speaker; expressed concerns relating to language and culture adjustments.
Dr. Ahimsa Porter Sumchai; expressed concerns relating to Bayview Hunter's Point.
Leon Mohammad; expressed concerns relating to Bayview Hunter's Point.
Daniel Landry; expressed concerns relating to de-population of African-Americans.
Female Speaker; expressed various concerns.
Francisco Da Costa; expressed concerns relating to law enforcement.
Jarrod Brown; expressed concerns relating to Bayview Hunter's Point.
Doreen Harrison; expressed concerns relating to Bayview Hunter's Point.
Emily Lee; expressed concerns relating to Bayview Hunter's Point.
Female Speaker; expressed concerns relating to lay-offs.
Male Speaker; expressed concerns relating to artificial turf.
Male Speaker; expressed concerns relating to artificial turf.
Mia Grand; expressed concerns relating to artificial turf.
Edward Pertcheck; expressed concerns relating to artificial turf.
Raul Delarosa; expressed concerns relating to Bayview Hunter's Point.
Brent Manuel; expressed concerns relating to crime and punishment.
Rudy Corpus; expressed concerns relating to closure of recreational centers.
Rudy Corpus III; expressed concerns relating to recreation fees.
Male Speaker; expressed concerns relating to recreation fees.
Terrence Hopkins; expressed concerns relating to health impact studies.
Sue Lee; expressed concerns relating to Chinese Exclusion Act.
Claudine Chang; expressed concerns relating to Chinese Exclusion Act.
Julie Soo; expressed concerns relating to Chinese Exclusion Act.
Elvin Turner; expressed concerns relating to lay-offs.
Pinky Cushner; expressed concerns relating to artificial turf.
Pastor Solberg; expressed concerns relating to redevelopment.
Male Speaker; expressed concerns relating to Bayview Hunter's Point.
Male Speaker; expressed concerns relating to Chinese Exclusion Act.
Laurale Simon; expressed concerns relating to lay-offs.
Shawna Benjamin; expressed concerns relating to Bayview Hunter's Point.
Jenn Teracina; expressed concerns relating to political action committee.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.
Robert Saught; expressed various concerns.
Jose Luis Pavon; expressed concerns relating to Bayview Hunter's Point.
Christine McVie; expressed concerns relating to the shipyard.
Lonnie Mason; expressed concerns relating to Bayview Hunter's Point.
Eric Burkes; expressed concerns relating to Bayview Hunter's Point.
Peter Warfield; expressed concerns relating to SF Public Libraries.
Male Speaker; expressed concerns relating to public process.
Keith; expressed concerns relating to redevelopment.
Ace; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091041 [Need for multilingual 2010 Census advance letter]
Supervisors Chiu, Campos

Resolution calling for an inclusive and multilingual advance letter in the 2010 Census.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091042 [Accept and Expend State Grants - Department of Public Health - $11,855.40]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling $11,855.40, from the California Department of Food and Agriculture; for the period of July 1, 2009, through June 30, 2010.

ADOPTED

091043 [Accept and Expend Grant - Department of Public Health - $15,055]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $15,055 from the Public Health Foundation Enterprises, to support a research project entitled "Viral Load Study;" for the period of April 1, 2009, through March 31, 2010.

ADOPTED

091025 [Final Map - 821-823 Taraval Street]
Motion approving Final Map 5427, a six residential unit and one commercial unit mixed-use condominium project, located at 821–823 Taraval Street being a subdivision of Lot 031 in Assessors Block No. 2407 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,301; District 7.)

APPROVED

091026 [Final Map - 1155-1177 Tennessee Street]
Motion approving Final Map 5060, a seven unit residential and one unit commercial mixed-use condominium project, located at 1155–1177 Tennessee Street being Lots 041 and Lots 044, 045, 046 in Assessors Block No. 4172 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,321; District 10.)

APPROVED

091027 **[Final Map - 555 Bartlett Street; 3400-3428 Cesar Chavez Street]**

Motion approving Final Map 5234, a 3 lot airspace subdivision and a 58 residential unit, a 5 commercial unit and a 67 commercial unit mixed-use condominium project, located at 555 Bartlett Street, 3400–3428 Cesar Chavez Street, being a subdivision of Lot 004 in Assessors Block No. 6569 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,324; District 9.)

APPROVED

091047 **[Final Map 4654 - 1315-1327 7th Avenue]**

Motion approving Final Map 4654, an 11 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1315–1327 7th Avenue being a subdivision of Lot 052 in Assessors Block No. 1762 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,050; District 5.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

091087 **[Committee of the Whole - Mayor's Notice of Appointments of Barbara Sklar and Astrid Haryati to the Arts Commission]**

Motion scheduling the Board to sit as a Committee of the Whole to hear the Mayor's appointments of Barbara Sklar, term ending July 1, 2011, and Astrid Haryati, term ending on January 15, 2010, to the Arts Commission.

The President inquired as to whether any member of the public wished to address the Board relating to this matter. There were no speakers. The President declared public comment closed on this matter.

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Supervisor Mar requested that this matter be severed so that it may be considered separately.

091040 **[Chinese Exclusion Act of 1882]**

Mayor, Supervisors Chiu, Chu, Mar, Dufty, Alioto-Pier, Campos, Avalos, Daly, Elsbernd, Maxwell, Mirkarimi

Resolution acknowledging the regrettable role that San Francisco has played in advancing the policies of the Chinese Exclusion Act of 1882, the first federal law to discriminate against a specific group solely on the basis of race or nationality, and celebrating the significant contributions of the Chinese-American community.

The entire Board of Supervisors requested to be added as co-sponsors.

Supervisor Mar, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar, seconded by Supervisor Chu, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty requested that this matter be severed so that it may be considered separately.

091044 [Supporting the passage of the Senate Constitutional Amendment 21]

Supervisor Campos

Resolution supporting the passage of Senate Constitutional Amendment 21 relating to the autonomy of the University of California.

REFERRED to the Rules Committee.

Supervisor Mirkarimi requested that these matters be severed so that they may be considered separately.

091045 [Requesting suspension of conversion of natural fields to artificial surfaces - Recreation and Park Department]

Supervisor Mirkarimi

Resolution requesting that the Recreation and Park Department temporarily suspend the program of converting natural turf playing fields to artificial surfaces pending release of a report by the California Office of Environmental Health Hazard Assessment on the health and environmental impacts of synthetic turf fields.

REFERRED to the City Operations and Neighborhood Services Committee.

091046 [Requesting Caltrans to participate in San Francisco Workforce Development Programs]

Supervisors Mirkarimi, Campos

Resolution requesting Caltrans and its contractors and subcontractors to actively participate in San Francisco Workforce Development Programs when hiring for projects to be constructed within the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

091059 **[Correction to the vacation of former Trenton Street]**

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

8/20/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/15/2009.

091070 **[Settlement of Lawsuit - Pat Moore/Tom Moore - $120,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

091071 **[Settlement of Lawsuit - James Cordova/Maria Morales - $35,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

091072 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $385,000]**

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for $385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

091073 **[Settlement of Unlitigated Claim - Patty Thomas - $52,250]**

Resolution approving the settlement of the unlitigated claim filed by Patty Thomas against San Francisco for $52,250; claim was filed on March 3, 2009. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091053 **[Approval of the cost extension application for HIV prevention projects]**

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health to submit a two-year application for calendar years 2010 and 2011, to continue to receive funding for the "HIV Prevention Projects" grant from the Centers for Disease Control and Prevention, in the total amount of approximately $16 million in HIV prevention funding for San Francisco; from January 1, 2010, through December 31, 2011. (Public Health Department)

9/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

091054 **[Approval of Department of Building Inspection contracts to provide plan review and field inspection services]**

Resolution approving four Department of Building Inspection interagency agreements to provide plan review and field inspection services to the Transbay Joint Powers Authority, the Treasure Island Development Authority, the Port, and the San Francisco Public Utilities Commission, respectively, per Charter Section 9.118(a). (Building Inspection Department)

9/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091055 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement Project]**

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091056 **[Approve San Francisco Public Utilities Commission Peninsula Region Construction Management Contract]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-916, Peninsula Region Construction Management Services, with HDR Engineering, Inc, for an amount not to exceed $22,000,000 with a term of up to 55 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

8/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091057 **[Emergency contract to replace main sewer on California Street from Cherry Street to Arguello Boulevard]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the main sewer on California Street from Cherry Street to Arguello Boulevard. (Public Utilities Commission)

8/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091058 **[Emergency contract to replace sewers on Lexington Street from 20th Street to 21st Street and on San Carlos Street from 18th Street to Sycamore Street]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace sewers on Lexington Street from 20th to 21st Street and on San Carlos Street from 18th Street to Sycamore Street. (Public Utilities Commission)

8/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091067 **[Approve a Lease with the United States of America at the International Terminal of San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease No. GS-09B-01967 with the United States of America for terminal space to be occupied by the U.S. Federal Bureau of Investigation, a Federal agency, in the International Terminal of San Francisco International Airport.

8/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091068 [Approve amendments to four SFPUC professional engineering services agreements]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase four professional engineering services agreements for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts in excess of $10,000,000 each, pursuant to Charter Section 9.118. (Public Utilities Commission)

8/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091069 [Approving the Ninth Amendment to contract with Office Depot to increase the dollar amount by more than $500,000]

Resolution approving the Ninth Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $20,770,000, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

9/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:41p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

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SEP 24 2009

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Tuesday, September 22, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.

Supervisor Campos Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Campos from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of August 18, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

090851 **[Liquor License - 533 Sutter Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Matthew Shelton, for Shelton Theater LLC, located at 533 Sutter Street, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090879 **[Approving amendment to engineering services agreement for SFPUC New Irvington Tunnel Project]**

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $3,900,000 for a total revised agreement amount of $13,898,561 and extend the agreement term by one year for a total revised agreement term of eight years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090993 **[Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]**

Supervisor Mirkarimi

Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

Continued to October 6, 2009.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091016 [Contract between the Department of Public Health and the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program]
Mayor, Supervisor Avalos

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract with the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program for the term of July 1, 2009, through June 30, 2010.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090979 [CEQA findings for SFPUC Water System Improvement Program, Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090980 [CEQA findings for SFPUC Water System Improvement Program, San Joaquin Pipeline System Project]
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project, Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Recommendation of the City Operations and Neighborhood Services Committee

090909 [Citizen's Committee on Community Development]
Mayor, Supervisors Daly, Avalos, Mirkarimi, Mar

Ordinance amending the Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the Board of Supervisors, that is responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the federal Housing and Urban Development Community Development Block Grant and Emergency Shelter Grant programs.

Supervisor Mar requested to be added as a co-sponsor.
PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Elaine Ikeda, on behalf of the California Campus Compact coalition of colleges and universities in recognition of their investment and championship of more than 500,000 students each year.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Dixie Mahy, on behalf of the San Francisco Vegetarian Society, in recognition of their 10th Annual Veg Festival Weekend and for their continued community support.

COMMITTEE REPORTS

091065 [Appointment, Arts Commission - Greg Chew]

Motion approving the Mayor's appointment of Greg Chew to the Arts Commission, for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – August 24, 2009.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Charles Bonjay; expressed that San Francisco was the best City in the world.
Male Speaker; expressed various concerns relating to home care workers in Chinese and English.
John Di Donna; expressed concerns relating to human equality.
Male Speaker; expressed concerns relating to public comment.
Andrea Smith; expressed concerns relating to home care workers.
Male Speaker; expressed concerns relating to power for electric devices.
Walter Paulson; shared in song certain concerns with the Board.
Leo Chow; expressed concerns relating to home care workers.
Female Speaker; expressed concerns relating to the disbandment of FM 92.7.
Male Speaker; expressed various concerns.
Male Speaker; expressed various religious concerns.
Francisco Da Costa; expressed concerns relating to home care workers.
Ace Washington; expressed concerns relating to the African-American community.
Sonny Torey; expressed concerns relating to racial harassment.
Female Speaker; expressed appreciation for the work of the Board of Supervisors.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091115 [Mortgage Revenue Bonds]
Supervisor Daly

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $22,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with California Debt Limit Allocations Committee procedures; authorizing the Director to certify to California Debt Limit Allocations Committee that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $22,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED

091116 [Accept and Expend Gift - Police Department - $40,000]
Supervisor Dufty

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend a gift in the amount of $40,000 from the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program, a non-profit organization [501 (c) (3)], for the purchase of two new passenger vans to use on Youth Wilderness Trips.

ADOPTED

091117 [Encouraging Ed Stolz, the new owner of FM 92.7, to continue with the Lesbian Gay Bisexual Transgender radio format of Energy 92.7]
Supervisor Dufty

Resolution encouraging Ed Stolz, the new owner of radio station 92.7, to continue with the Community/Lesbian Gay Bisexual Transgender/Dance radio format that has made Energy 92.7 one of the most unique and popular radio stations in San Francisco and the Bay Area.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091132 [Declaring September 2009 as Reentry Month]
Supervisor Mirkarimi

Resolution declaring the month of September 2009 as Reentry Month in the City and County of San Francisco.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091133 [Declaring October 3, 2009, Dolorous Knight Day]
Supervisor Avalos

Resolution seeking to commend Dolorous Knight for her dedication to and generous support of San Francisco's public libraries, particularly her neighborhood branch, the Excelsior Branch Library, and declaring October 3, 2009, to be Dolorous Knight Day.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223/Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

9/11/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/11/2009.

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

9/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

091095 [Lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment]

Resolution approving the lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment for the San Francisco Public Utilities Commission; approving the form of a lease purchase financing agreement between the Public Utilities Commission and a lender to be named therein, authorizing the selection of such lender, and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

9/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:40 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

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OCT - 8 2009

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Tuesday, October 6, 2009 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:09 p.m.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

091007 **[Airport Concession Lease]**

Resolution approving the Terminal 3 Concourse Specialty Store Lease to Air Sun, a joint venture between Sunglass Hut Trading, LLC and Corliss Stone-Littles, LLC, and the City and County of San Francisco, acting by and through its' Airport Commission. (Airport Commission)

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

090909 [Citizen's Committee on Community Development]

Mayor, Supervisors Daly, Avalos, Mirkarimi, Mar, Campos

Ordinance amending the San Francisco Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the Board of Supervisors, that is responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the Federal Housing and Urban Development Community Development Block Grant and Emergency Shelter Grant programs.

Supervisor Campos requested to be added as a co-sponsor.

Ordinance No. 212-09

FINALLY PASSED

Recommendations of the Rules Committee

090955 [Settlement of Administrative Enforcement Action - $115,000]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $115,000.

ADOPTED

091005 [Settlement of Unlitigated Claim - Rajitha Sangha - $30,000]

Resolution approving the settlement of the unlitigated claim of Rajitha Sangha against the City and County of San Francisco for $30,000; claim was filed on July 7, 2008. (City Attorney)

ADOPTED

091006 [Settlement of Unlitigated Claim - Ferry Building Associates - $107,798.50]

Resolution approving the settlement of the unlitigated claim filed by Ferry Building Associates against the City and County of San Francisco for $107,798.50; claim was filed on January 26, 2009. (City Attorney)

ADOPTED

091009 [Settlement of Unlitigated Claim - Rose Dennis - $90,670.20]

Resolution approving settlement of the unlitigated claim submitted by Rose Dennis against the City and County of San Francisco for $90,670.20; claim was submitted on April 2, 2009. (City Attorney)

ADOPTED

091048 [Appointment, Sunshine Ordinance Task Force - Suzanne Manneh]

Motion appointing Suzanne Manneh, term ending April 27, 2011, to the Sunshine Ordinance Task Force, residency requirement waived.

Motion No. M09-156

APPROVED

091049 **[Appointments, Assessment Appeals Board No. 1 - Alec Lambie, Lawrence Lee, Hayes Miles and Scott Spertzel]**

Motion appointing Aiec Lambie, Lawrence Lee, Hayes Miles and Scott Spertzel, terms ending September 7, 2012, to the Assessment Appeals Board No. 1.

Motion No. M09-157
APPROVED

091050 **[Appointments, Assessment Appeals Board No. 2 - Louisa Mendoza, John McGary, Donna Crowder and Arthur Tom]**

Motion appointing Louisa Mendoza, John McGary, Donna Crowder and Arthur Tom, terms ending September 7, 2012, to the Assessment Appeals Board No. 2.

Motion No. M09-158
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090938 **[San Francisco Special Tax Financing Law]**
Supervisors Mar, Mirkarimi, Campos

Ordinance amending the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special taxes, and the issuance of bonds secured by special tax funds and related technical amendments.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance to amend the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special tazes, and the issuance of bonds secured by special tax funds and related technical amendments.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090992 [Recreation and Park - Farmers' Market Fees - $475 per market location for six months]
Supervisor Mirkarimi

Ordinance amending the San Francisco Park Code Section 7.21 to establish farmers' market fees at $475 per market location for six months of operation.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090908 [Approving Advanced Train Control System Improvement Services and Equipment Purchases]
Supervisor Dufty

Resolution approving Municipal Transportation Agency Contract No. 1226, Advanced Train Control System Improvement Services and Equipment Purchases, with Thales Transport & Security, Inc., for an amount not to exceed $30,000,000 for a term not to exceed five years with an option to extend the term an additional three years.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090939 [Adoption of Local Goals and Policies for Mello-Roos Community Facilities Districts]
Supervisors Mar, Mirkarimi

Resolution adopting local goals and policies for Mello-Roos Community Facilities Districts.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091055 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement Project]

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091114 [Hunters Point Shipyard Cooperative Agreement for Fire and Medical Services]
Mayor, Supervisor Maxwell

Resolution authorizing the San Francisco Fire Department to enter a five-year Cooperative Agreement with the United States Navy to provide fire and emergency medical services to portions of the Hunters Point Shipyard remaining under federal ownership, and to accept and expend funds provided to the Fire Department by the Navy as reimbursement for services provided under that agreement.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091120 [2008 Community Needs Assessment and 2010-2013 Children's Services Allocation Plan]
Mayor

Resolution approving the Children's Services Allocation Plan for the Children's Fund in accordance with Section 16.108 of the San Francisco Charter.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090477 [Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]
Supervisor Daly

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner; and making certain findings including findings under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090791 [Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090963 [Interim Zoning Controls requiring conditional use authorization for Tobacco Paraphernalia Establishments, as defined, in the Polk Street Neighborhood Commercial District]
Supervisor Chiu

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, and subject to specified exceptions, in the Polk Street Neighborhood Commercial District, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

091031 **[Police Department Command Staff]**
Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Ordinance amending the San Francisco Administrative Code to authorize the Chief of Police to appoint to any non-civil service rank above the rank of Captain (a) any member of the Police Department who has had supervisory experience over other sworn law enforcement officers; and (b) for a period of five years from the effective date of this ordinance, any sworn law enforcement officer with such supervisory experience from any local, state or federal agency that employs sworn law enforcement officers, provided that only one such officer may hold an appointment at any one time.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090877 **[Confirming the Mayor's reappointment of Kimberly K. Brandon to the San Francisco Port Commission]**
Mayor

Motion confirming the Mayor's reappointment of Kimberly K. Brandon to the San Francisco Port Commission for a four-year term ending May 1, 2013.

Motion No. M09-159
APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091135 **[Committee of the Whole - Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]**
Supervisor Mirkarimi

Hearing of persons interested in or objecting to proposed Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of the Muni Fillmore Substation located at 1190 Fillmore Street referenced in File No. 090993. Jake Crawford; Harris Edgerly; Male Speaker; Ace Washington; Male Speaker; expressed various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

Committee of the Whole Adjourn and Report Without Recommendation

090993 [Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]
Supervisor Mirkarimi

Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and $135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Leuitenant Kurt Bruneman and Retired Captain Ray White, on behalf of the San Francisco Police Activities League (PAL), in recognition of their continued community support.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Rashanda Madison, representing San Francisco Peer Court, in support of Youth Corp Month and in recognition of their continued community support.

Supervisor Chiu introduced, welcomed, and presented Certificates of Honor to Benjamin Amyes, Red Cross, and Hotel Council of San San Francisco, in recognition of their contributions in a recent emergency response and for their continued community support.

SPECIAL ORDER 4:00 P.M.

091082 [Public Hearing - Appeal of Final Mitigated Negative Declaration - 1390 Market Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17892, adopted May 28, 2009, Case No. 2005.0979E, approving a Final Mitigated Negative Declaration for the proposed development project located at 1390 Market Street (Assessor's Block No. 0813, Lot No. 006). The proposal would demolish an existing two-story retail and office building and construct a new 120-foot-tall, 11-story building containing up to 250 dwelling units and approximately 19,880 gross square feet of ground-floor retail use. There would be no change to an existing mixed-use tower on the site, and no new parking would be provided (18 existing spaces would be removed); parking for the new residential units would be within an existing two-level basement. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth)

(Filed 9/3/09; Companion Measure to Files 091083, 091084, 091085; District 6.)

The President inquired as to whether any member of the public wished to address the Board. Sue Hestor (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. There were no speakers in support of the appeal. Don Lewis and Joy Navarrete (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Andrew Junius and Amir Massih (Project Sponsors) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Kenneth Colin; Mark Conrah; spoke in support of the project and in opposition to the appeal. Sue Hestor (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

091083 [Affirming adoption of the final mitigated negative declaration for 1390 Market Street]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street.

Motion No. M09-166

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091084 [Reversing adoption of the final mitigated negative declaration for 1390 Market Street]

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091085 [Preparation of findings to reverse adoption of the final mitigated negative declaration for 1390 Market Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

091053 [Approval of the cost extension application for HIV prevention projects]
Supervisors Dufty, Campos

Resolution authorizing the San Francisco Department of Public Health to submit a two-year application for calendar years 2010 and 2011, to continue to receive funding for the "HIV Prevention Projects" grant from the Centers for Disease Control and Prevention, in the total amount of approximately $16,000,000 in HIV prevention funding for San Francisco; from January 1, 2010, through December 31, 2011. (Public Health Department)

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
Lois Roberts; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Male Speaker; expressed various concerns.
Dr. Walker; expressed concerns relating to plans for Candlestick and Bayview Hunter's Point.
Al Long; expressed concerns relating to Bayview Hunter's Point.
Daniel Howard; expressed concerns relating to Bayview Hunter's Point.
Douglas Yim; expressed concerns relating to pornography.
Amos Brown; expressed concerns relating to democracy and Bayview Hunter's Point.
Ace Washington; expressed concerns relating to Bayview Hunter's Point.
Male Speaker; expressed various religious concerns.
Pastor; expressed concerns relating to Bayview Hunter's Point.
Ron Lee; expressed concerns relating to Bayview Hunter's Point.
Dave Johnston; expressed concerns relating to surcharge for cigarettes.
Daniel Landry; expressed concerns relating to Bayview Hunter's Point.
Male Speaker; expressed concerns relating to food.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091143 [Welcoming the Presidents Cup to San Francisco]
Supervisors Elsbernd, Daly

Resolution welcoming The Presidents Cup to Harding Park Golf Course.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

091144 [Commending Bart Duncan for all of his work with the City and County of San Francisco]
Supervisor Dufty

Resolution commending Bart Duncan for his more than 8 years of service to the City and County of San Francisco and for his leadership as the Director of Health Services.

ADOPTED

091145 [Amending meeting requirements for the Children's Collaborative Task Force]
Supervisor Alioto-Pier

Resolution amending Resolution 358-07, to allow the Children's Collaborative Task Force to begin meeting prior to the appointment of all its members.

ADOPTED

091153 [Bay Area Youth Sports Foundation Day in San Francisco]
Supervisors Alioto-Pier, Campos

Resolution declaring Thursday, October 8, 2009, Bay Area Youth Sports Foundation Day in San Francisco.

Supervisor Campos requested to be added a co-sponsor.
ADOPTED

091146 [Final Map - 2242-2256 15th Street]
Motion approving Final Map 4773, a merger and resubdivision, Parcel "B" being a six unit residential condominium project, located at 2242–2256 15th Street being a subdivision of Lot Nos. 103 and 104 in Assessors Block No. 3540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,244; District 8.)

Motion No. M09-160
APPROVED

091147 [Final Map - 2189 Bay Shore Boulevard]

Motion approving Final Map 5584, a five residential unit and two commercial unit mixed-use condominium project, located at 2189 Bay Shore Boulevard being a subdivision of Lot No. 021 in Assessors Block No. 5066B and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,327; District 10.)

Motion No. M09-161

APPROVED

091148 [Final Map - One Hawthorne Street]

Motion approving Final Map 5278, a 165 residential unit and one commercial unit mixed-use condominium project, located at One Hawthorne Street being a subdivision of Lot No. 047 in Assessors Block No. 3735 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,330; District 6.)

Motion No. M09-162

APPROVED

091149 [Final Map - 7 Vandewater Street, 418-420 Francisco Street]

Motion approving Final Map 5590, a ten unit residential and one unit commercial mixed-Use condominium project, located at 7 Vandewater Street and 418–420 Francisco Street being a subdivision of Lot No. 103 in Assessors Block No. 0041 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,332; District 3.)

Motion No. M09-163

APPROVED

091150 [Final Map - 723 Taylor Street]

Motion approving Final Map 4868, a twelve unit residential condominium project, located at 723 Taylor Street being a subdivision of Lot 004 in Assessors Block No. 0282 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,333; District 3.)

Motion No. M09-164

APPROVED

091154 [Final Map - 860 Waller Street]

Motion approving Final Map 5147, a five unit residential condominium project, located at 860 Waller Street being a subdivision of Lot No. 013 in Assessors Block No. 1240 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,346; District 5.)

Motion No. M09-165

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Supervisor Campos Excused from Voting

Supervisor Dufty, seconded by Supervisor Avalos, moved to excuse Supervisor Campos from voting on the imperative item findings and File No. 091001. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

091001 **[Commending Central American Resource Center, Supervisor Campos, and Aura Beteta on Central American People's Day 2009]**

Supervisor Avalos

Resolution recognizing October 18, 2009, as Central American People's Day, and to acknowledge Central American Resource Center's (CARECEN) contributions in organizing the second annual Central American community "Festival de los Volcanes," and commending Supervisor David Campos and Aura Beteta for their exemplary leadership on behalf of the City's immigrant community.

Supervisor Avalos, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - $650,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for $650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

9/17/09, RECEIVED AND ASSIGNED to Rules Committee.

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - $1,750,000]

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for $1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

9/17/09, RECEIVED AND ASSIGNED to Rules Committee.

091080 [Settlement of Lawsuit - Duncan Briggs - $65,000]

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for $65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

091086 [Settlement of Lawsuit - Jeanne Schoenstein - $225,000.00]

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for $225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091124 [Amendment to Treasure Island Land and Structures Master Lease]

Resolution approving the Thirty Third Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091125 [Amendment to Treasure Island South Waterfront Master Lease]

Resolution approving the Twenty Fifth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091126 [Amendment to Treasure Island Marina Master Lease]

Resolution approving the Thirteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091127 [Amendment to Event Venues Master Lease]

Resolution approving the Twenty First Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

9/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:00 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

Tuesday, October 20, 2009 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT 2 2 2009

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PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Alioto-Pier from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of September 15, 2009, and September 22, 2009. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090992 [Recreation and Park - Farmers' Market Fees - $475 per market location for six months]
Supervisor Mirkarimi

Ordinance amending the San Francisco Park Code Section 7.21 to establish farmers' market fees at $475 per market location for six months of operation.

FINALLY PASSED

091067 [Approve a Lease with the United States of America at the International Terminal of San Francisco International Airport]

Resolution approving and authorizing the execution of Lease No. GS-09B-01967 with the United States of America for terminal space to be occupied by the U.S. Federal Bureau of Investigation, a Federal agency, in the International Terminal of San Francisco International Airport. (Airport Commission)

ADOPTED

091142 [Authorizing local support for the Bridge Preventive Maintenance Program]
Mayor

Resolution authorizing local support for the Department of Public Works Bridge Preventive Maintenance Program and authorizing the Director of Public Works, or designee, to execute all documents pertaining to the project with Caltrans.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090791 [Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

Recommendation of the Public Safety Committee

091031 [Police Department Command Staff]
Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Ordinance amending the San Francisco Administrative Code to authorize the Chief of Police to appoint to any non-civil service rank above the rank of Captain (a) any member of the Police Department who has had supervisory experience over other sworn law enforcement officers; and (b) for a period of five years from the effective date of this ordinance, any sworn law enforcement officer with such supervisory experience from any local, state or federal agency that employs sworn law enforcement officers, provided that only one such officer may hold an appointment at any one time.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from the Consent Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090477 [Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]
Supervisor Daly

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner; and making certain findings including findings under the California Environmental Quality Act.

Continued to October 27, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090938 [San Francisco Special Tax Financing Law]
Supervisors Mar, Mirkarimi, Campos

Ordinance to amend the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special tazes, and the issuance of bonds secured by special tax funds and related technical amendments.

FINALLY PASSED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091138 [Public Employment - Department of Human Resources]
Supervisor Chiu

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064 IS Programmer Analyst – Principal and four (2.32 FTE) Class 1054 IS Business Analyst – Principal and two (1.16 FTE) Class 1043 IS Engineer – Senior in the Department of Human Resources (DHR).

(Fiscal Impact.)

Supervisor Avalos, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064L IS Programmer Analyst – Principal and four (2.32 FTE) Class 1054L IS Business Analyst – Principal and two (1.16 FTE) Class 1043L IS Engineer – Senior in the Department of Human Resources (DHR).

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091168 [Appropriating $150,000 of General Fund Reserve to General City Responsibility for Emergency Aid Relief in the Philippines, Samoa and Indonesia]
Supervisors Daly, Campos

Ordinance appropriating $150,000 from the General Fund Reserve to General City Responsibility for emergency aid relief for the people of the Philippines, Samoa and Indonesia related to recent natural disasters for FY 2009-2010, and placing the total appropriation of $150,000 on Budget and Finance Committee reserve pending submittal of a detailed expenditure plan.

(Supervisor Chu dissented in Committee.)

Supervisor Campos requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

091141 [Appropriating $1,043,160 of Hotel Room Tax Revenue to restore reductions to Convention Facilities in the General Services Agency, City Administrator for FY 2009-2010]
Supervisors Mirkarimi, Avalos

Ordinance appropriating $1,043,160 of Hotel Tax Revenue from the General Fund to restore reductions to the Convention Facilities Fund in the General Services Agency, City Administrator's Office for FY 2009-2010 and amending Administrative Provision Section 12.11 of the FY 2009-2010 Annual Appropriation Ordinance to reflect the change in Hotel Tax Allocation.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091012 [Board review and approval of 2009 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]
Supervisor Chiu

Resolution approving the City and County of San Francisco 2009 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091054 [Approval of Department of Building Inspection contracts to provide plan review and field inspection services]

Resolution approving a Department of Building Inspection interagency agreement to provide plan review and field inspection services to the Transbay Joint Powers Authority, as required by Charter Section 9.118(a). (Building Inspection Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091109 [American Recovery and Reinvestment Act of 2009 Project - Award of Contract for LRV Systems Overhaul - NTE $56,752,554]
Supervisor Chiu

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 591-01, LRV Doors and Steps Reconditioning and Systems Overhaul, with AnsaldoBreda Inc., in an amount not to exceed $56,752,554 and a term not to exceed five years.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091110 [American Recovery and Reinvestment Act of 2009 Project - Award of Contract for Motor Coach Rehabilitation - NTE $12,598,315]
Supervisor Chiu

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 106-01, Motor Coach: Component Life Cycle Rehabilitation Project, with Complete Coach Works, in an amount not to exceed $12,598,315 and a term not to exceed four years.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091139 [Department of Human Resources - Amendment to CIBER, Inc. Contract - reduced to $4,995,120]
Supervisor Chiu

Resolution approving, retroactively, an amendment to the CIBER, Inc. contract to reduce the contract amount to $4,995,120.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091056 [Approve San Francisco Public Utilities Commission Peninsula Region Construction Management Contract - NTE $22,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-916, Peninsula Region Construction Management Services, with HDR Engineering, Inc., for an amount not to exceed $22,000,000 with a term of up to 55 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091057 [Emergency contract to replace main sewer on California Street from Cherry Street to Arguello Boulevard]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the main sewer on California Street from Cherry Street to Arguello Boulevard. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091058 [Emergency contract to replace sewers on Lexington Street from 20th Street to 21st Street and on San Carlos Street from 18th Street to Sycamore Street]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace sewers on Lexington Street from 20th to 21st Street and on San Carlos Street from 18th Street to Sycamore Street. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation

091068 [Approve amendments to four SFPUC professional engineering services agreements in excess of $10,000,000 each]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase four professional engineering services agreements for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts in excess of $10,000,000 each, pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

Privilege of the floor was granted to San Francisco Water Assistant Director, Harlan Kelly, who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Campos, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

090981 [Street Encroachment at 1230-1240 Twin Peaks Boulevard]

Resolution granting revocable permission to Michael Chung to occupy, excavate and regrade an existing unimproved portion of the public right-of-way to construct and maintain private concrete driveways with retaining walls, walkways and steps with accommodations for drainage and new landscaping to provide pedestrian and vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendation of the Public Safety Committee

091032 [Confidentiality of juveniles' immigration status]

Supervisors Campos, Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi, Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.

(Supervisor Alioto-Pier dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

091088 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 430 Main Street/429 Beale Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 23, 2009, Case No. 2007.1121E, that a project at 430 Main Street/429 Beale Street is exempt from environmental review per Section 15183 of the California Environmental Quality Act Guidelines and California Public Resources Code Section 21083.3. The proposal would demolish two existing one- and two-story concrete buildings on two adjacent parcels and construct an eight-story, approximately 146,000-square foot residential building on the site following merger of the two lots. The new building would include approximately 113 residential units and one subterranean parking level accommodating approximately 57 vehicles within the Rincon Hill Area Plan, a RH DTR (Rincon Hill Downtown Residential Mixed Use)/84-X Height and Bulk District, in Assessor's Block No. 3767, Lot Nos. 305 and 306. (Appellant: Dane Ince on behalf of the Opposition Team to 430 Main Street)

(Filed 9/8/09; Companion Measure to 091089, 091090, 091091; District 6.)

The President inquired as to whether any member of the public wished to address the Board. Steven Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Rahul Pendse; Jan Null; Richard Grassetti; Daphne Smothers; Sun Kim; Cammy Wyndham; Len Westlaw; Judy Hutchinson; Gary Winter; Male Speaker; Lou Gaylen; Devlin and Tanya; Michael Bardley; John Knight; Cecilia Lum; Sasha Harts; Cynthia Monjes; Cindy Maldonado; Julie Norris; David Kellis; Mavin Markle; Kirk Lavallo; Debbie Gold; Ed Walsh; Male Speaker; Peter Chang; Regina Lara; Amy Liam; Gustavo Ayala; Chin King; Dan Aames; Jamie Whittiker; Louise Tallerman; Male Speaker; Ann Hong; Eric Kurshe; Andrew Brookstein; Joseph Kue; spoke in support of the appeal. Bill Wycko, Rick Cooper, Joshua Switzky, and Tara Sullivan (Planning Department), Carl Eisler (Engineering Consultant), Tom Rivard (Department of Public Health), and Kate Stacy (City Attorney's Office) provided details of the project and responded to questions raised throughout the discussion. Tuija Catalano (Project Sponsor) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Chris Upsel; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

091089 **[Affirming the exemption determination issued for the 430 Main Street/429 Beale Street project]**

Motion affirming the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from environmental review.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091090 [Reversing the exemption determination issued for the 430 Main Street/429 Beale Street project]

Motion reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from environmental review.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091091 [Preparation of findings related to the exemption determination for the 430 Main Street/429 Beale Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project at 430 Main Street/429 Beale Street is exempt from environmental review.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMITTEE REPORTS

Recommendations of the Rules Committee

091008 [Settlement of Grievance - Elina Sulimov - $130,000]

Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for $130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091037 [Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - $1,100,000]
Supervisors Maxwell, Chiu, Alioto-Pier

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No, CGC 09-487-795; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of $1,100,000 to the City, the City's agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, Mirant's agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed site reuse plan.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091070 **[Settlement of Lawsuit - Pat Moore/Tom Moore - $120,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091071 **[Settlement of Lawsuit - James Cordova/Maria Morales - $35,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091072 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $385,000]**

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for $385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091140 **[Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC]**
Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni; Imbelloni Construction Co., Inc.; Bayside Vista LLC v. City and County of San Francisco; Department of Building Inspection; Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 091140.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

091073 [Settlement of Unlitigated Claim - Patty Thomas - $52,250]

Resolution approving the settlement of the unlitigated claim filed by Patty Thomas against San Francisco for $52,250; claim was filed on March 3, 2009. (City Attorney)

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

Recommendation of the Government Audit and Oversight Committee/LAFCo

091161 [Approving Issuance of a Request for Proposals for CleanPowerSF]
Supervisor Mirkarimi

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Espinola Jackson; expressed concerns relating to loan modifications.
Patrick Monette-Shaw; expressed concerns relating to current lay-offs.
Colin Gallagher; expressed concerns relating to personal threat.
Walter Paulson; shared in song certain concerns with the Board.
Richard Rolph; expressed concerns relating to current lay-offs.
Emil Lawrence; expressed concerns relating to contracts.
Angelo King; expressed concerns relating to community assistance.
Male Speaker; expressed concerns relating to the SF Public Library.
Peter Warfield, expressed concerns relating to the SF Public Library.
Linda Richardson; expressed concerns relating to loan modifications.
Alan Turner; expressed concerns relating to current lay-offs.
Peter Smith; expressed concerns relating to current lay-offs.
Male Speaker; expressed various religious concerns.
Debbie Dobson; expressed concerns relating to current lay-offs.
Michael Siegel; expressed concerns relating to current lay-offs.
Victoria Gonzalez; expressed concerns relating to current lay-offs.
Lucy Vargas; expressed concerns relating to current lay-offs.
Female Speaker; expressed concerns relating to loan modifications.
Female Speaker; expressed concerns relating to loan modifications.
Male Speaker; expressed concerns in English and Spanish relating to foreclosures.
Albert Gonzalez; expressed concerns relating to loan modifications.
Female Speaker; expressed concerns relating to loan modifications.
Shirley Jones; expressed concerns relating to loan modifications.
Lisa Salesman; expressed concerns relating to loan modifications.
Male Speaker; expressed concerns relating to U.S. military occupation of Afghanistan.
Dwayne Archey; expressed concerns relating to loan modifications.
Ollie Burgess; expressed concerns relating to loan modifications.
Viola Lundenberg; expressed concerns relating to current lay-offs.
Judy; expressed concerns relating to current lay-offs.
Female Speaker; expressed concerns relating to current lay-offs.
Regina Mitchell; expressed concerns relating to current lay-offs.
Ruben Garcia (SEIU); expressed concerns relating to current lay-offs.
Christina Enia; expressed concerns relating to loan modifications.
Jerry Reyes; expressed concerns relating to current lay-offs.
Lolita Rivas; expressed concerns relating to current lay-offs.
Walter James; expressed concerns relating to current lay-offs.
Male Speaker; expressed concerns relating to current lay-offs.
Alysabeth Alexander; expressed concerns relating to current lay-offs.
Roxanne Sanchez; expressed concerns relating to current lay-offs.
Michael Tong; expressed concerns relating to current lay-offs.
Male Speaker; expressed concerns relating to loan modifications.
Dolores Vincent; expressed concerns relating to loan modifications.
Robert Haalan (SEIU); expressed concerns relating to current lay-offs.
Linda Toy-Cassada; expressed concerns relating to current lay-offs.
Dorothy Mayes; expressed concerns relating to loan modifications.
Willa Bufford; expressed concerns relating to loan modifications.
Allan Williamson; expressed concerns relating to loan modifications.

Female Speaker; expressed concerns relating to loan modifications.
Jamie Whittiker; expressed various concerns.
Ema Jarrold; expressed concerns relating to current lay-offs.
Ray Hartsman; expressed concerns relating to open government.
Male Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091171 [Accept and Expend State Grant - District Attorney - $100,000]
Supervisor Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $100,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for FY 2009-2010.

ADOPTED

091174 [Accept and Expend State Grants - Departrment of Public Health - $18,699.38]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling $18,699.38, from the California Department of Food and Agriculture; for the periods of July 1, 2009, through June 30, 2010, and January 1, 2010, through December 31, 2010.

ADOPTED

091175 [Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street - NTE $11,000,000]
Supervisor Daly

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $11,000,000 for financing the acquisition, construction and rehabilitation of Crescent Manor - 467 Turk Street, subject to the requirements of Article IX of Chapter 43 of the Administrative Code.

ADOPTED

091176 [Accept and Expend Grant - Department of Public Health - $20,059]
Supervisors Dufty, Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $20,059 from the University of California San Francisco, to assist with a project entitled "Monitoring and Evaluation Framework for Improved Health Sustainability in the Philippines;" for the period of July 1, 2009, through November 15, 2009.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091177 **[Urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Indonesia and the Philippines to help the islands cope with the effects of the devastating earthquake, tsunami, storms and typhoons]**
Supervisors Dufty, Daly, Campos

Resolution urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Philippines and Indonesia to help the islands cope with the effects from the devastating earthquake, tsunami, storms and typhoons that have occurred over the past 10 days.

Supervisors Daly and Campos requested to be added as co-sponsors.
ADOPTED

091180 **[Declaring November 1 - 8, 2009, Community College Week]**
Supervisors Mar, Avalos, Maxwell, Mirkarimi, Chiu, Campos

Resolution declaring November 1 – 8, 2009, Community College Week and urging the Governor to work together to come up with a budget for FY 2010-2011 that does not increase student fees and that uses a combination of new revenue generation, delayed payments, and other creative mechanisms in lieu of cuts to education.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091189 **[Final Map - 736 Valencia Street]**
Motion approving Final Map 5568, an Eight Unit Residential and One Unit Commercial Mixed-Use Condominium Project, located at 736 Valencia Street being a subdivision of Lot 005 in Assessors Block No. 3588 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 178,354; District 8.)

APPROVED

091190 **[Waiver permitting City employees to assist the Department of Elections with the November 3, 2009, special statewide election]**
Supervisors Chiu, Campos

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 3, 2009, special statewide election.

Supervisor Campos requested to be added as a co-sponsor.
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

091173 [Urging the United States federal government to end the U.S. military occupation of Afghanistan]
Supervisors Avalos, Campos, Daly, Mar, Mirkarimi

Resolution urging the United States federal government to end the U.S. military occupation of Afghanistan while providing humanitarian aid to support the recovery of the country from the effects of war.

Amended, Page 3, Line 4, deleting "now, therefore, be it" and adding "and,".

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Continued to October 27, 2009.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091192 [Eureka Valley/Harvey Milk Memorial Branch Library re-opening]
Supervisor Dufty

Resolution recognizing the grand re-opening of the Eureka Valley/Harvey Milk Memorial Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

9/30/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/30/2009.

090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - $112,000]

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

10/5/09, RECEIVED AND ASSIGNED to Rules Committee.

091186 [Settlement of Lawsuit - Gavin Smith - $55,000]

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for $55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

10/7/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091185 [Approval to award a three-year lease for surface parking between the Port of San Francisco and Priority Parking-CA, LLC (Lease No. L-14747)]

Resolution approving a Port Commission Lease with Priority Parking-CA, a California Limited Liability Corporation in the City and County of San Francisco, for certain real property located at SWL 322-I bounded by Front Street and Broadway, SWL 323 bounded by The Embarcadero and Davis Street, SWL 321 bounded by Front Street and Green Street, and SWL 324 bounded by Davis Street, Front Street and The Embarcadero for a term of 3 years. (Port)

10/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091187 [Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to $40 million]

Resolution authorizing the Office of Contract Administration to enter into the Second Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $12,475,000 to $40 million. (Office of Contract Administration)

10/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091188 [Authorizing the San Francisco Human Services Agency to apply for State funds available for fraud prevention and detection in the In-Home Supportive Services program]

Resolution authorizing Human Services Agency to submit plan for State funding for In-Home Supportive Services fraud investigations and program integrity efforts pursuant to the California State Budget Act of 2009. (Human Services Department)

10/9/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:30 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

OCT 29 2009

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Tuesday, October 27, 2009 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. The Mayor's Liaison to the Board of Supervisors, Starr Terrell, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091141 [Appropriating $1,043,160 of Hotel Room Tax Revenue to restore reductions to Convention Facilities in the General Services Agency, City Administrator for FY 2009-2010]
Supervisors Mirkarimi, Avalos

Ordinance appropriating $1,043,160 of Hotel Tax Revenue from the General Fund to restore reductions to the Convention Facilities Fund in the General Services Agency, City Administrator's Office for FY 2009-2010 and amending Administrative Provision Section 12.11 of the FY 2009-2010 Annual Appropriation Ordinance to reflect the change in Hotel Tax Allocation.

(Fiscal Impact.)

FINALLY PASSED

091124 [Amendment to Treasure Island Land and Structures Master Lease]
Resolution approving the Thirty Third Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED

091125 [Amendment to Treasure Island South Waterfront Master Lease]
Resolution approving the Twenty Fifth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED

091126 [Amendment to Treasure Island Marina Master Lease]
Resolution approving the Thirteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED

091127 [Amendment to Event Venues Master Lease]
Resolution approving the Twenty First Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED

Recommendations of the Rules Committee

091008 **[Settlement of Grievance - Elina Sulimov - $130,000]**

Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for $130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

091037 **[Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - $1,100,000]**
Supervisors Maxwell, Chiu, Alioto-Pier

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No, CGC 09-487-795; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of $1,100,000 to the City, the City's agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, Mirant's agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed site reuse plan.

FINALLY PASSED

091070 **[Settlement of Lawsuit - Pat Moore/Tom Moore - $120,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091071 **[Settlement of Lawsuit - James Cordova/Maria Morales - $35,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091072 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $385,000]**

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for $385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091140 [Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC]
Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni; Imbelloni Construction Co., Inc.; Bayside Vista LLC v. City and County of San Francisco; Department of Building Inspection; Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 091140.

FINALLY PASSED

091123 [Appointment, Bicycle Advisory Committee - Ariella Hyman]
Motion appointing Ariella Hyman, term ending November 19, 2010, to the Bicycle Advisory Committee.

Ariella Hyman, succeeding Andrew Bindman, term expired, seat 1, must be a nominee of District 1 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2010 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

APPROVED

091130 [Appointment, Public Utilities Commission Rate Fairness Board - Donald Hilla]
Motion appointing Donald Hilla, for an indefinite term, to the Public Utilities Commission Rate Fairness Board.

Donald Hilla, succeeding William Wilkinson, resigned, seat 2, must be a small business city retail customer, for an indefinite term.

APPROVED

091131 [Appointment, Children and Family First Commission - Maria Su]
Motion appointing Maria Su, for an indefinite term, to the Children and Families First Commission.

Maria Su, succeeding September Jarrett, resigned, seat 4, must be the Director of the Office of Children, Youth and Their Families or his or her designee, for an indefinite term.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091138 [Public Employment - Department of Human Resources]
Supervisor Chiu

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064L IS Programmer Analyst – Principal and four (2.32 FTE) Class 1054L IS Business Analyst – Principal and two (1.16 FTE) Class 1043L IS Engineer – Senior in the Department of Human Resources (DHR).

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091168 [Appropriating $150,000 of General Fund Reserve to General City Responsibility for Emergency Aid Relief in the Philippines, Samoa and Indonesia]
Supervisors Daly, Campos

Ordinance appropriating $150,000 from the General Fund Reserve to General City Responsibility for emergency aid relief for the people of the Philippines, Samoa and Indonesia related to recent natural disasters for FY 2009-2010, and placing the total appropriation of $150,000 on Budget and Finance Committee reserve pending submittal of a detailed expenditure plan.

(Supervisor Chu dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

090477 [Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]
Supervisor Daly

Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner; and making certain findings including findings under the California Environmental Quality Act.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

091032 [Confidentiality of juveniles' immigration status]
Supervisors Campos, Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi, Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.

(Supervisor Alioto-Pier dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090999 [Waiving contracting provisions to allow the City to meet State requirements to participate in Proposition 1A bond sale]
Mayor, Supervisor Avalos

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; and (2) waiving certain City contracting provisions that are not allowed by the State under the State's standard form of purchase and sale agreement with the California Statewide Communities Development Authority and thus allowing the City to meet the deadline to participate in the State program to issue bonds to offset the adverse effects of the State's Proposition 1A borrowing of local property taxes.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091169 [Accept and Expend Federal Grant - Police Department - $16,562,750]
Mayor

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of $16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing $14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091000 [Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Certain Other Actions in Connection with Proposition 1A Bond Sale]

Mayor, Supervisor Avalos

Resolution approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the City's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091095 [Lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment]

Resolution approving the lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment for the San Francisco Public Utilities Commission; approving the form of a lease purchase financing agreement between the Public Utilities Commission and a lender to be named therein, authorizing the selection of such lender, and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091167 [Broadway Family Apartments Revenue Bonds - NTE $19,200,000]

Supervisor Chiu

Resolution approving the reissuance of not to exceed $19,200,000 aggregate principal amount of City and County of San Francisco Multi-family Housing Revenue Bonds Series 2004a (Broadway Family Apartments) pursuant to Section 147(f) of the Internal Revenue Code of 1986; approving the Fifth Amendment to Loan Agreement and Fifth Supplemental Indenture; ratifying previous actions; and authorizing the execution and delivery of documents and instruments.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mar, moved to excuse Supervisor Alioto-Pier from voting on File No. 091111. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090999 **[Waiving contracting provisions to allow the City to meet State requirements to participate in Proposition 1A bond sale]**
Mayor, Supervisor Avalos

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; and (2) waiving certain City contracting provisions that are not allowed by the State under the State's standard form of purchase and sale agreement with the California Statewide Communities Development Authority and thus allowing the City to meet the deadline to participate in the State program to issue bonds to offset the adverse effects of the State's Proposition 1A borrowing of local property taxes.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091094 **[Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]**

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091169 **[Accept and Expend Federal Grant - Police Department - $16,562,750]**
Mayor

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of $16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing $14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091000 [Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Certain Other Actions in Connection with Proposition 1A Bond Sale]

Mayor, Supervisor Avalos

Resolution approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the City's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091095 [Lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment]

Resolution approving the lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment for the San Francisco Public Utilities Commission; approving the form of a lease purchase financing agreement between the Public Utilities Commission and a lender to be named therein, authorizing the selection of such lender, and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

091167 [Broadway Family Apartments Revenue Bonds - NTE $19,200,000]

Supervisor Chiu

Resolution approving the reissuance of not to exceed $19,200,000 aggregate principal amount of City and County of San Francisco Multi-family Housing Revenue Bonds Series 2004a (Broadway Family Apartments) pursuant to Section 147(f) of the Internal Revenue Code of 1986; approving the Fifth Amendment to Loan Agreement and Fifth Supplemental Indenture; ratifying previous actions; and authorizing the execution and delivery of documents and instruments.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mar, moved to excuse Supervisor Alioto-Pier from voting on File No. 091111. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee

091111 [Support Assembly Bill 1019 - Alcohol-Related Services Act]
Supervisors Dufty, Daly, Avalos, Mirkarimi, Campos

Resolution urging support of Assembly Bill 1019, the Alcohol-Related Services Act to deliver services to, and ensure the public health and safety of, the people of California supported by a reasonable and rational mitigation fee.

Supervisors Mirkarimi and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

090780 [Revisions to Division I of the San Francisco Transportation Code]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090931 [Rental Subsidy Program for Low-Income Families]
Supervisors Avalos, Campos, Mar, Mirkarimi

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Amended, on Page 3, Line 14, by deleting "eligible" and adding "who meet program eligibility requirements". On Page 4, Line 22, by deleting "Families may remain in the Rental Subsidy Program for up to five years" and adding "The length of the subsidy shall be based on a social economic service plan agreed upon mutually by the provider and the client, and may be extended for 12 months at a time up to 5 years, provided that the client continues to meet program requirements."

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Amended, on Page 4, Line 21, by adding "Further resolved, the Controller shall report to the Board, within twelve months of the adoption of this ordinance, on the efficacy of the program, by surveying families and analyzing outcomes."

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

090937 [Accept and Expend Federal Grant - Airport Commission - $700,500]
Supervisor Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $700,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090523 [Eastern Neighborhoods Citizens Advisory Committee]
Supervisor Daly

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090833 [Lobbyist Ordinance amendments]
Supervisors Chiu, Campos

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090989 [Campaign Finance Reform Ordinance amendments]
Supervisor Daly

Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091060 [Confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors]
Mayor

Motion confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors for a four-year term ending February 26, 2010.

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date – August 24, 2009.)

(Supervisor Daly dissented in Committee.)

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091034 [Extending the term of the Joint City and School District Committee for one year]
Supervisor Elsbernd

Motion amending Rule 5.7 of the Board of Supervisors' Rules of Order to extend the term of the Joint City and School District Select Committee for one year.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Rules Committee Without Recommendation

090795 [Prohibiting City employees and officers from raising funds for City departments]
Supervisor Daly

Ordinance adding a new Chapter 5 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.500, 3.505, 3.510 and 3.515, to prohibit City employees and officers from soliciting donations to nonprofit organizations to fund City departments from persons doing business with those departments.

Supervisor Daly, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continue to November 3, 2009.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Amend to (1) apply the prohibition on solicitations to all City employees and officers required to file Statements of Economic Interest, regardless of their departments or job duties, and (2) limit the definition of "has business with" to include only filing an application under the Planning or Building Code.

Supervisor Chiu, seconded by Supervisor Campos, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:
Ayes: 5 - Campos, Chiu, Dufty, Elsbernd, Maxwell
Noes: 6 - Alioto-Pier, Avalos, Chu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Ordinance be TABLED. The motion carried by the following vote:
Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Cynthia Marcopulos in recognition of 28 years of work service, her tireless campaign volunteerism, and progressive activism.

COMMITTEE REPORTS

091161 [Approving Issuance of a Request for Proposals for CleanPowerSF]
Supervisors Mirkarimi, Mar, Campos

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

Supervisors Mar and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Tom Gallagher; expressed concerns relating to legislation in support of Irish unification.
Male Speaker; expressed concerns relating to public comment.
Richard McRee; expressed concerns relating architectural design.
Male Speaker; expressed various religious concerns.
Robert Haalan (SEIU); expressed concerns relating to current lay-off notices.
Female Speaker; expressed support of Irish unification.
Female Speaker; expressed support of Irish unification.
Male Speaker; expressed support of Irish unification.
Sawyer Castillo; expressed support for AB 1019.
Male Speaker; expressed support of Irish unification.
Jeff Adachi; expressed concerns relating to current vacancies.
Elvin Dufty; expressed concerns relating to service cuts.
Male Speaker; expressed support for Irish unification.
Male Speaker; expressed various concerns.
Michael Campbell; expressed support for Irish unification.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091213 [Accept and Expend Federal/State Grant - Department of Public Library - $5,667]
Supervisor Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $5,667 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

ADOPTED

091214 [Urging the State of California Alcoholic Beverage Control office to maintain its San Francisco Office]
Supervisors Dufty, Chiu, Campos

Resolution urging the State of California Alcoholic Beverage Control office to maintain its San Francisco Office and continue to provide their crucial necessary services to the Citizens of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091215 [Urging SFMTA to implement AB 144 in order to curb abuse of disabled placards]
Supervisors Dufty, Mar, Campos

Resolution urging the San Francisco Municipal Transportation Agency to implement California Assembly Bill 144 to curb abuse of disabled placards.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091216 [Support for Irish Unification]
Supervisors Daly, Mirkarimi, Campos

Resolution urging the Federal officials to support Irish Unification.

Supervisors Mirkarimi and Campos requested to be added as co-sponsors.
ADOPTED

091193 [Final Map - 1169 Market Street]
Motion approving Final Map 4820, a Merger and 2 Lot Resubdivision, Parcel "A" being an 80 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1169 Market Street being a subdivision of Lots 039, 051, and 052 in Assessors Block No. 3702 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

091173 **[Urging the United States federal government to end the U.S. military occupation of Afghanistan]**
Supervisors Avalos, Campos, Daly, Mar, Mirkarimi

Resolution urging the United States federal government to end the U.S. military occupation of Afghanistan while providing humanitarian aid to support the recovery of the country from the effects of war.

ADOPTED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

091220 **[Authorizing the Clerk of the Board of Supervisors to Commence Negotiation for the Budget and Legislative Analyst Services]**
Supervisor Avalos

Motion directing the Clerk of the Board of Supervisors to begin negotiations with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie and Wong, LLP, A Joint Venture for Budget and Legislative Analyst Services per Request for Proposal (RFP) #BOS-01-424.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:44 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV - 6 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 3, 2009 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of October 6, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

Clerk of the Board, Angela Calvillo, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 091032 which would amend the Sanctuary Ordinance. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of November 10, 2009.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

(Fiscal Impact.)

FINALLY PASSED

091169 [Accept and Expend Grant - Police Department - $16,562,750]
Mayor

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of $16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing $14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091164 [Accept and Expend Grant - Department of Public Health - $282,150]
Supervisor Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Health and Human Services Administration in the amount of $282,150 to upgrade radiology equipment in the Trauma Center at San Francisco General Hospital for the period of September 1, 2009, through February 28, 2011.

ADOPTED

091170 [Accept and Expend Grant - Urban Auto Fraud Interdiction Program - $250,000]
Supervisor Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $250,000 through the California Department of Insurance, Fraud Division, Local Assistance Program, for a program entitled Organized Automobile Fraud Activity Interdiction Program ("Urban Auto") for FY 2009-2010.

ADOPTED

091172 [Accept and Expend Grant - Back on Track Re-entry Program Infrastructure and Replication Grant - $400,000]
Supervisors Chiu, Campos

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $400,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Back On Track Re-entry Program Infrastructure and Replication Grant" for FY 2009-2012.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

Recommendation of the Land Use and Economic Development Committee

090780 [Revisions to Division I of the San Francisco Transportation Code]
Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

FINALLY PASSED

Recommendations of the Rules Committee

090523 [Eastern Neighborhoods Citizens Advisory Committee]
Supervisors Daly, Campos

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

FINALLY PASSED

090833 [Lobbyist Ordinance Amendments]
Supervisors Chiu, Campos

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

Recommendation of the Government Audit and Oversight Committee

091161 [Approving Issuance of a Request for Proposals for CleanPowerSF]
Supervisors Mirkarimi, Mar, Campos, Dufty

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

Supevisor Dufty requested to be added as a co-sponsor.
FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

091254 **[Adopting Findings Reversing the Exemption Determination for the 430 Main Street/429 Beale Street Project]**

Supervisor Daly

Motion adopting findings reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from further environmental review. (Clerk of the Board)

Amended, on Page 2, Line 7, replacing "aare" with "are".

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested to be added as sponsor.

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090931 **[Rental Subsidy Program for Low-Income Families]**

Supervisors Avalos, Campos, Mar, Mirkarimi, Dufty

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Supervisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090989 [Campaign Finance Reform Ordinance Amendments]
Supervisors Daly, Campos

Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Campos requested to be added as a co-sponsor.
FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091166 [Approval of Management and Operations Agreement for the Cable Car Museum]
Supervisor Chiu

Resolution retroactively approving Municipal Transportation Agency Management and Operations Agreement with the Friends of the Cable Car Inc., for the Cable Car Museum for a term of ten years with two five-year options to extend the term.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091179 [CEQA Findings in Connection with the Exploratorium Relocation Project]
Mayor, Supervisors Chiu, Dufty, Chu

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and Administrative Code Chapter 31 in connection with the Exploratorium Relocation Project proposed to be located on Pier 15 and a portion of Pier 17 in the Port of San Francisco, City and County of San Francisco.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091178 [Approval of Lease for Pier 15 and a portion of Pier 17, and related Parking Agreement and Licenses]
Mayor, Supervisors Chiu, Dufty, Chu, Alioto-Pier

Resolution approving and authorizing a 66-year Lease of Pier 15 and a portion of Pier 17 and a related Parking Agreement at Seawall Lot 321, two Curb Indent Licenses in front of Piers 15 and 17 and a Curb Space License at Green Street between the Exploratorium and the City and County of San Francisco acting by and through the San Francisco Port Commission.

(Fiscal Impact.)

Supervisor Alioto-Pier requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

080323 [Place of Entertainment Permits and Board of Appeals procedures]
Mayor, Supervisors Dufty, Chiu, Campos

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, 1060.34, 1060.35, 1060.36, and 1060.37, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

Supervisors Chiu and Campos requested to be added as co-sponsors.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

080324 [Extended-Hours Premises Permits]
Mayor, Supervisors Dufty, Chiu, Campos

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017,17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, 1070.33, 1070.34, 1070.35, and 1070.36; by repealing Sections 1070.4, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

Supervisors Chiu and Campos requested to be added as co-sponsors.

Supervisor Daly moved to divide the question relating to "Sec. 1070.36. Prospective Moratorium on Grant of Extended-Hours Premises Permits" located on Page 41, Line 17, through Page 44, Line 18.

The question relating to "Sec. 1070.36. Prospective Moratorium on Grant of Extended-Hours Premises Permits" PASSED as divided by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

PASSED ON FIRST READING AS DIVIDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

091039 [Prohibiting Onychectomy (Declawing) and Tendonectomy Procedures on Cats]
Supervisors Mirkarimi, Campos, Avalos, Maxwell, Daly, Dufty

Ordinance amending the San Francisco Health Code by adding Section 45 to prohibit onychectomy (declawing) and tendonectomy procedures on cats except when necessary for a therapeutic purpose.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

Recommendations of the Government Audit and Oversight Committee

091112 [Finding of Fiscal Feasibility; Retention and Expansion of the San Francisco Wholesale Produce Market]
Mayor, Supervisors Maxwell, Dufty, Mirkarimi, Mar

Resolution adopting finding that the retention and expansion of the San Francisco Wholesale Produce Market are fiscally feasible pursuant to Administrative Code Chapter 29.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091118 [Board response to the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: a Report on the Surplus Real Property Owned by the San Francisco Unified School District"]
Supervisors Mirkarimi, Campos

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San Francisco Unified School District.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091119 [Board response to the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned by the San Francisco Unified School District"]
Supervisors Mirkarimi, Campos

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned By The San Francisco Unified School District," and urging the SFUSD to cause the implementation of accepted recommendations.

Amended, on Page 2, Line 17, replacing "3" with "4".
Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the Mission Peace Collaborative in recognition of their leadership and community service.

ROLL CALL FOR INTRODUCTIONS

See Off-Agenda Legislation below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed various concerns.
Male Speaker; expressed various religious concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to hospital staffing.
Richard Robinson; expressed various concerns.
Male Speaker; expressed concerns relating to nutrition.
Francisco Da Costa, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091255 [Declaring November 8 to November 14, 2009, Radiology Week]
Supervisors Dufty, Campos

Resolution declaring November 8 to November 14, 2009, Radiology Week in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091256 [Celebrating the Cliff House on its Centennial of the 1909 building]
Supervisors Mar, Alioto-Pier, Campos

Resolution celebrating the Cliff House on its Centennial of the 1909 building.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091257 [Approval of Additional Emergency Work at Midtown Park Apartments]
Supervisor Mirkarimi

Resolution authorizing the Director of the Mayor's Office of Housing to take all necessary measures to protect the health and safety of the residents of Midtown Park Apartments by performing additional emergency repairs to the sewer systems and exterior staircases.

ADOPTED

091258 [Proclaiming November 5, 2009, as Elaine Mikels Day]
Supervisors Chiu, Campos

Resolution proclaiming November 5, 2009, as "Elaine Mikels Day" in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

091259 [Approval of a 30-day Extension for Planning Commission Review]
Supervisor Chiu

Resolution extending, by 30 days, the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from three years to eighteen months, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

ADOPTED

091239 [Final Map - 748 Innes Avenue]
Motion approving Final Map 5308, a Mixed-Use 6 Unit Residential and 1 Unit Commercial Condominium Project, located at 748 Innes Avenue being a subdivision of Lot No. 005A in Assessors Block No. 4644 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW No. 1278,382; District 10.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

091230 [Department of Building Inspection Cash Revolving Fund]
Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $600 to $2,000. (Building Inspection Department)
10/22/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/21/2009.

091231 [Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFPark parking meter and parking control pilot projects. (Municipal Transportation Agency)

10/23/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/22/2009.

PROPOSED RESOLUTIONS

090679 [Amendment to the John Stewart Company Sublease]

Resolution approving and authorizing the execution of a Fifth Amendment to Sublease with the John Stewart Company to discontinue Earthquake and Flood Insurance. (Treasure Island Development Authority)

10/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091232 [Approval of the Ryan White HIV Emergency Relief Grant Program Application]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration (HRSA), requesting $36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area (EMA); from March 1, 2010, through February 28, 2011. (Public Health Department)

10/26/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091236 [Approval of Contract for Personal Assisted Employment Services Program for the Department of Public Health]

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

10/26/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:36 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

Tuesday, November 10, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

69

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisor Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of October 20, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091187 [Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to $40 million]

Resolution authorizing the Office of Contract Administration to enter into the Second Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $12,475,000 to $40 million. (Planning Department)
(Fiscal Impact.)

ADOPTED

091188 [Authorizing the San Francisco Human Services Agency to apply for State funds available for fraud prevention and detection in the In-Home Supportive Services program]

Resolution authorizing Human Services Agency to submit plan for State funding for In-Home Supportive Services fraud investigations and program integrity efforts pursuant to the California State Budget Act of 2009. (Human Services Department)

ADOPTED

091204 [Accept and Expend State Grant - San Francisco Port Commission - $5,771,340]

Sponsor: Chiu

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $5,771,340 from the California Emergency Management Agency for security enhancements at the Port of San Francisco.

ADOPTED

091205 [Accept and Expend State Grant - Airport Commission - $1,700,000]

Sponsor: Chu

Resolution authorizing the Airport Commission to retroactively accept and expend a grant of $1,700,000 from the California Air Resources Board for the acquisition and operation of a hydrogen vehicle fueling station.

ADOPTED

091206 [Accept and Expend Regional Grant - Airport Commission - $1,399,709.57]

Sponsor: Chu

Resolution authorizing the Airport Commission to retroactively accept and expend 3 grants totaling $1,399,709.57 from the Bay Area Air Quality Management District (Air District) for the retrofit and acquisition of clean air vehicles and infrastructure.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

091032 [Confidentiality of juveniles' immigration status]

Sponsors: Campos: Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi and Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.
(Supervisor Alioto-Pier dissented in committee.)

Ordinance No. 228-09

OVERTURN MAYORAL VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendations of the City Operations and Neighborhood Services Committee

Supervisor Campos was noted absent at 2:18 p.m.

080323 [Place of Entertainment Permits and Board of Appeals procedures]

Sponsors: Mayor: Dufty, Chiu and Campos

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, 1060.34, 1060.35, 1060.36, and 1060.37, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Absent: 1 - Campos

080324 [Extended-Hours Premises Permits]

Sponsors: Mayor: Dufty, Chiu and Campos

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017,17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, 1070.33, 1070.34, 1070.35, and 1070.36; by repealing Sections 1070.4, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Absent: 1 - Campos

091039 [Prohibiting onychectomy (declawing) and tendonectomy procedures on cats]

Sponsors: Mirkarimi: Campos, Avalos and Maxwell

Ordinance amending the San Francisco Health Code by adding Section 45 to prohibit onychectomy (declawing) and tendonectomy procedures on cats except when necessary for a therapeutic purpose.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091217 [Appropriation ordinance to reflect Mayor's State Budget Plan for FY 2009-2010]

Sponsors: Mayor: Avalos

Ordinance appropriating $18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including $9,589,000 for the Department of Public Health, $9,600,000 for the Human Services Agency, $350,000 for the Sheriff's Department, and $150,000 for the General Fund Reserve; deappropriating $3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan; and appropriating and placing $1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010. (Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

Supervisor Campos was noted present at 2:29 p.m.

091246 [Appropriating $7,057,111 to Restore Positions Effective November 16, 2009, in the Department of Public Health for FY 2009-2010]

Sponsor: Daly

Ordinance appropriating $7,057,111 in General Fund Reserve to add 322.39 full-time equivalent positions and delete 272.95 full-time equivalent positions effective November 16, 2009, in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

Privilege of the floor was granted to Ben Rosenfield, Controller, and Monique Zmuda, Deputy Controller, who responded to questions raised throughout the discussion.

Passed on First Reading FAILED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion to rescind PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091247 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsor: Daly

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

Passed on First Reading PASSED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Chu, moved to rescind the previous vote. The motion to rescind FAILED by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion to rescind PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091260 [Payment of Award to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091261 [Payment of Award to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091185 [Approval to award a three-year lease for surface parking between the Port of San Francisco and Priority Parking-CA, LLC (Lease No. L-14747)]
Resolution approving a Port Commission Lease with Priority Parking-CA, a California Limited Liability Corporation in the City and County of San Francisco, for certain real property located at SWL 322-I bounded by Front Street and Broadway, SWL 323 bounded by The Embarcadero and Davis Street, SWL 321 bounded by Front Street and Green Street, and SWL 324 bounded by Davis Street, Front Street and The Embarcadero for a term of 3 years. (Port)

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Campos

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to the Pancreatic Cancer Association in recognition of Pancreatic Cancer Month (November 2009).

Supervisor Dufty provided an overview of the Veterans commendation proceedings. Introductions and Certificates of Honor, in recognition of Veterans Day, service to our community, and dedication to our Nation, were presented as follows:

Supervisor Chu to Commander Rudy Asercion and Captain Harry Carpentar Jr.;
Supervisor Daly to the Veteran's Equity Center;
Supervisor Mar to Ernesto Cinco;
Supervisor Maxwell to Corporal Harold Lee Drummer and Corporal William Loskutoff;
Supervisor Dufty to James "Robbie" Robinson and Zoe Dunning;
Supervisor Avalos to Gaudencio Valerio;
Supervisor Elsbernd to Elbert "Bud" Wilson; and
Supervisor Mirkarimi to Michael Blecker and Paul Cox, on behalf of the Swords to Plowshares.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed gratitude for the Veteran's.
James Chaffee; expressed concerns relating to the SF Public Library.
Nancy Cross; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Emil Lawrence; expressed various concerns.
John DiDonna; expressed concerns relating to the recently passed propositions.
Richard Robinson; expressed concerns relating to traffic deaths.
Male Speaker; expressed various concerns.
Male Speaker; expressed various religious concerns.
Male Speaker; expressed various concerns.
Janet Shirley; expressed support for pending non-violence legislation.
Female Speaker; expressed support for pending non-violence legislation.
Male Speaker; expressed support for pending non-violence legislation.
Bred Starr; expressed concerns relating to immediate disclosure requests.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091268 [Final Map - 5156 Planned Development Mission Bay]

Motion approving Final Map No. 5156 Planned Development, Mission Bay, a three (3) lot subdivision, being a merger and re-subdivision of Lot 15 of Assessor's Block 8720, Lot 2 of Assessor's Block 3841, and Lots 19, 20 and 21 of Assessor's Block 8721 as shown on that certain map entitled "FINAL MAP 4141 – PLANNED DEVELOPMENT MISSION BAY (26-28)" recorded on October 16, 2007 in Book BB of Maps, at Pages 179 through 183, filed for record in the office of the Recorder of the City and County of San Francisco, California; and adopting findings pursuant to the General Plan and City Planning Code Section101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)

Motion No. M09-180

APPROVED

091277 [Motion to Hold Public Hearing on Adopting a Resolution to Acquire Property by Eminent Domain]

Sponsor: Mayor

Motion directing the Board of Supervisors to hold a public hearing on November 24, 2009, with the Board sitting as a committee of the whole, to consider adopting a Resolution of Necessity to authorize acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-002-08 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Motion No. M09-181

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 091281 be severed so that it might be considered separately.

091281 [Condemning Californians for Population Stabilization TV and Radio Ads]

Sponsors: Mar and Campos

Resolution condemning Californians for Population Stabilization (CAPS) TV and Radio Ads.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier requested that File No. 091282 be severed so that it might be considered separately.

091282 [Commending Del Monte for its Commitment to Keep its Headquarters in San Francisco]

Sponsors: Alioto-Pier, Dufty and Maxwell

Resolution commending Del Monte Corporation for its continued commitment to keep its headquarters in San Francisco.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - $217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of $217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for $95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

10/27/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091266 [Prevailing Wages for Workers on Public Works/Improvement Projects, Janitorial Services, Public Off-Street Parking Lots, Garages, or Auto Storage Facilities, Theatrical Services, Moving Services and Hauling Solid Waste]

Sponsor: Mirkarimi

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

10/30/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Supervisor Mirkarimi requested to be added as sponsor.

091267 [Lease of Property at 3801 Third Street]

Resolution approving a lease at Bayview Plaza, 3801 Third Street, at Evans Street, for the Human Services Agency under Administrative Code Section 23.27. (Real Estate Department)

11/02/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:04 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 17, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
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DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisor Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:17 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. The Mayor's Liaison to the Board of Supervisors, Starr Terrell, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091260 [Payment of Award to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.
(Fiscal Impact.)

FINALLY PASSED

091261 [Payment of Award to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing payment of a $10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.
(Fiscal Impact.)

FINALLY PASSED

091217 [Appropriation ordinance to reflect Mayor's State Budget Plan for FY 2009-2010]

Sponsors: Mayor: Avalos

Ordinance appropriating $18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including $9,589,000 for the Department of Public Health, $9,600,000 for the Human Services Agency, $350,000 for the Sheriff's Department, and $150,000 for the General Fund Reserve; deappropriating $3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan; and appropriating and placing $1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010. (Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091232 [Approval of the Ryan White HIV Emergency Relief Grant Program application]

Sponsors: Dufty: Campos

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration, requesting $36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area; from March 1, 2010, through February 28, 2011. (Public Health Department)

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091236 [Approval of contract for Personal Assisted Employment Services Program for the Department of Public Health]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

ADOPTED

Recommendations of the Rules Committee

091013 [Application of City's Conflict of Interest Laws to City Officers]

Sponsor: Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

PASSED, ON FIRST READING

091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - $650,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for $650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091080 [Settlement of Lawsuit - Duncan Briggs - $65,000]

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for $65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091086 [Settlement of Lawsuit - Jeanne Schoenstein - $225,000]

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for $225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091186 [Settlement of Lawsuit - Gavin Smith - $55,000]

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for $55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - $112,000]

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

PASSED, ON FIRST READING

091129 [Appointment, Entertainment Commission - Neal Cavellini]

Motion appointing Neal Cavellini, term ending July 1, 2013, to the Entertainment Commission. Neal Cavellini, succeeding Erik Joseph Pred, seat 3, term expired, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

Motion No. M09-182

APPROVED

091194 [Appointment, Entertainment Commission - Al Perez]

Motion approving the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013.

Motion No. M09-183

APPROVED

091223 [Appointment, Immigrant Rights Commission - Angus McCarthy]

Motion appointing Angus McCarthy, term ending June 6, 2011, to the Immigrant Rights Commission.

Angus McCarthy, succeeding himself, seat 7, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

Motion No. M09-184

APPROVED

091226 [Appointments, Pedestrian Safety Advisory Committee - Dahianna Lopez, Paul Supawanich, and Jay Lee]

Motion appointing Dahianna Lopez and Paul Supawanich, terms ending March 28, 2010, and Jay Lee, term ending March 28, 2011, to the Pedestrian Safety Advisory Committee.

Dahianna Lopez, succeeding Shirley Bierly, seat 8, term expired, must be representative from a public health organization, for the unexpired portion of a two-year term ending March 28, 2010.

Jay Lee, succeeding Dan Brook, seat 9, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2011.

Paul Supawanich, succeeding William Riggs, seat 10, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2010.

Motion No. M09-185

APPROVED

091227 [Appointment, Local Homeless Coordinating Board - Laura Guzman]

Motion appointing Laura Guzman, term ending October 21, 2011, to the Local Homeless Coordinating Board.

Laura Guzman, succeeding herself, seat 1, term expired, must be a member of the disabled community, for the unexpired portion of a two-year term ending October 21, 2011.

Motion No. M09-186

APPROVED

091229 [Appointment, Sweatfree Procurement Advisory Group - Julienne Fisher]

Motion appointing Julienne Fisher, term ending December 17, 2011, to the Sweatfree Procurement Advisory Board.

Julienne Fisher, succeeding Jamie Crook, seat 4, resigned, must be a member of the public, for a two-year term ending December 17, 2011.

Motion No. M09-187

APPROVED

091234 [Appointment, Veterans Affairs Commission - Stephen Noetzel]

Motion appointing Stephen Noetzel, term ending January 31, 2011, to the Veterans Affairs Commission.

Stephen Noetzel, succeeding Bud Wilson, seat 8, deceased, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2011.

Motion No. M09-188

APPROVED

091235 [Appointment, Child Care Planning and Advisory Council - Simon Lee]

Motion appointing Simon Lee, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding himself, seat 4, term expired, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2011.

Motion No. M09-189

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

091122 [Liquor License Transfer - 1221 Polk Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1092 Post Street to 1221 Polk Street (District 3), to Steven Black for Lush Lounge Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

(Supervisor Daly dissented in committee.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

091242 [U.S. Navy - Public Participation in the Hunters Point Shipyard Restoration Project]

Sponsors: Maxwell: Mar

Resolution urging the United States Navy to immediately reinstate the Hunters Point Shipyard Restoration Advisory Board of the Hunters Point Shipyard.

Supervisor Daly, seconded by Supervisor Avalos, moved to amend by replacing "and/or" to "or".

The question relating to "or" FAILED by the following vote:
Ayes: 4 - Daly, Mar, Mirkarimi, Avalos
Noes: 7 - Chiu, Chu, Dufty, Elsbernd, Maxwell, Alioto-Pier, Campos

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Avalos, Daly, Mar, Mirkarimi

Resolution urging the United States Navy to reinstate the Restoration Advisory Board of the Hunters Point Shipyard and/or provide other appropriate forums to ensure meaningful public participation in the cleanup process.

Supervisor Avalos requested to be removed as sponsor. Supervisor Maxwell requested to be added as sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendations of the Land Use and Economic Development Committee

081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]

Sponsor: Maxwell

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised used districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]

Sponsor: Mirkarimi

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

Supervisor Mirkarimi requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091128 [Appointment, Police Commission - James Hammer]

Motion confirming the Rules Committee's nomination of, and appointing, James Hammer, term ending April 30, 2011, to the San Francisco Police Commission.
James Hammer, succeeding Theresa Sparks, seat 1, resigned, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2011.

Motion No. M09-190

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Avalos and Mar Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that Supervisors Avalos and Mar were excused from voting on File No. 091262. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

091262 [Appointments, California State Association of Counties - Supervisors Mar and Avalos (Alternate)]

Motion appointing Supervisors Eric Mar and John Avalos (as an alternate member), terms ending November 28, 2010, to the California State Association of Counties.
Supervisor Eric Mar, seat 1, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, for a one-year term ending November 28, 2010.
Supervisor John Avalos, seat 2, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, serving as an alternate member, for a one-year term ending November 28, 2010.

Motion No. M09-191

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Linda Laws in recognition of 20 years of service to the City and County of San Francisco and her dedication to the Board of Supervisors Clerk of the Board's Office upon her retirement.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Al Casciato for his contributions to the City and County of San Francisco and his dedicated service as Captain of the Norther Station Police Department.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Valerie Ziegler, a teacher at Lincoln High School, in recognition of her accomplishments and for being San Francisco Unified School District's first ever "California Teacher of the Year."

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Rea Dol and Euvonie Auguste, visitors of Haiti, in recognition of their involvement and activism in World education.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Roberto Alvarado, Lourdes Palacios, Tomas Minero, and Francisco Polanco, visitors of El Salvador, in recognition of their involvement and activism in World environmentalism.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Terry Landry; expressed concerns relating to recall efforts.
Francisco Da Costa, expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions, and patents.
Female Speaker; expressed concerns relating to Bayview Hunters Point.
Alex Torino; expressed concerns relating to recall efforts.
Josh; expressed concerns relating to video surveillance.
Walter Paulson; shared in song certain concerns with the Board.
Eugene Gordon Jr.; expressed various concerns.
Daniel Solberg; expressed concerns relating to democracy.
James Quioncini; expressed support for nonviolence legislation.
Female Speaker; expressed various concerns.
Donna Roma; expressed support for in-home services legislation.
Linda Evans, expressed concerns relating to hiring reforms.
Male Speaker; expressed support for in-home services legislation.
Niecey Joshua; expressed concerns relating to Bayview Hunters Point.
Male Speaker; expressed various religious concerns.
Male Speaker; expressed various concerns.
David Troppman; expressed concerns relating to taxi business regulations.
Brad Weedmeyer; expressed concerns relating to Bayview Hunters Point.
Janet Shirley; expressed support for nonviolence legislation.
Richard Robinson; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091293 [Approval of a 30-Day Extension for Planning Commission Review]

Sponsor: Alioto-Pier

Resolution extending by 30-days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Section 303(i) to require new applicants of formula retail establishments to appoint a community liaison, and making findings of consistency with the priority policies of the Planning Code Section 101.1, and environmental findings.

ADOPTED

091299 [Extending the Single Room Occupancy Task Force to December 31, 2012]

Sponsors: Dufty: Campos, Chiu and Daly

Resolution amending the Single Room Occupancy Task Force to extend it three (3) years beyond the current sunset date of December 31, 2009, to December 31, 2012, and increasing its membership by one (1) member to fourteen (14) to include one (1) additional tenant representative: nine (9) members appointed by the Board of Supervisors; four (4) appointed by designated department heads; and one (1) chair appointed by the Director of Health.

ADOPTED

091301 [Approval of a Three (3) Month Extension for Planning Commission Review]

Sponsor: Elsbernd

Resolution extending by three (3) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Section 729 to add new Sub-section 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings of consistency with the General Plan, the priority policies of the Planning Code Section 101.1, and environmental findings.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 091292 be severed so that it might be considered separately.

091292 [Commending Northern Station Police Captain Al Casciato]

Sponsors: Alioto-Pier: Mirkarimi, Avalos, Elsbernd, Dufty, Chiu and Campos

Resolution Commending Captain Al Casciato for his contributions to the City and County of San Francisco, and his dedicated service as Captain of the Police Department's Northern Station.

Supervisors Elsbernd, Dufty, Chiu, and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar requested that File No. 091304 be severed so that it might be considered separately.

091304 [Endorsement of World March for Peace and Nonviolence]

Sponsors: Mar: Campos, Dufty and Avalos

Resolution endorsing the first World March for Peace and Nonviolence, calling for the end of war and nuclear arms, and the elimination of violence of all kinds.

Supervisors Campos, Dufty, and Avalos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell requested that File No. 091319 be severed so that it might be considered separately.

091319 [Commending Linda Laws and Declaring November 20 2009, "Linda Laws Day"]]

Sponsors: Maxwell: Chiu and Campos

Resolution commending Linda Laws on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 20 years of service to the City and County of San Francisco and declaring November 20, 2009, "Linda Laws Day."

Supervisors Chiu and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

091284 [Mission Bay - Park P21 Improvements]

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park"; accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - $97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrin Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for $97,500; the lawsuits were filed on February 6, 2004 and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

091290 [Settlement of Lawsuit - Lisa Anne Haller - $230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for $230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

091291 [Settlement of Lawsuit - City and County of San Francisco - $1,260,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) 1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091285 [Amendment to Agreement with Owens Information Systems to Extend the Term]
Resolution authorizing the Department of Technology to enter into the Eighth Amendment of an agreement with Owens Information Systems to extend the term of the agreement to fifteen years. (Department of Technology)

11/09/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]
Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance oibligations. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091287 [Tenderloin Housing Clinic Contract Approval - $82,286,121]
Resolution approving the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide master-leased housing for formerly homeless single adults to the Human Services Agency for the period of January 1, 2010, to June 30, 2015, in the amount of $82,286,121. (Human Services Department)

11/09/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]
Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/09/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:32 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 17, 2009 - 2:05 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Special Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV 23 2009

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DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisor Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL

The meeting was called to order at 2:55 p.m. On the call of the roll, all Supervisors were noted present.

COMMUNICATIONS

Board of Supervisors President, David Chiu, communicated that no files agendized were sent as Committee Reports.

COMMITTEE REPORTS

091246 [Appropriating $7,057,111 to Restore Positions Effective November 16, 2009, in the Department of Public Health for FY 2009-2010]

Sponsors: Daly: Mirkarimi, Mar and Campos

Ordinance appropriating $7,057,111 in General Fund Reserve to add 322.39 full-time equivalent positions and delete 272.95 full-time equivalent positions effective November 16, 2009, in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091247 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Daly: Campos

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091202 [Appropriating $734,289 in San Francisco General Hospital to Convert 88 Patient Care Assistant Positions to Certified Nursing Assistant Positions for FY 2009-2010]

Sponsors: Avalos: Mirkarimi, Campos and Mar

Ordinance appropriating $734,289 in General Fund Reserve to support the cost of converting eighty-eight (88) Patient Care Assistant Positions (Job Classification 2303) to Certified Nursing Assistant Positions (Job Classification 2302) effective January 1, 2010, at San Francisco General Hospital in the Department of Public Health for FY 2009-2010.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091203 [Public Employment - Department of Public Health Certified Nursing Assistant conversion at San Francisco General Hospital]

Sponsors: Avalos: Mirkarimi and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to reflect the conversion of 44.00 FTEs (88.00 positions) from Patient Care Assistants to Certified Nursing Assistants for 13.1 pay periods (January 1, 2010, through June 30, 2010) at San Francisco General Hospital in the Department of Public Health.
(Fiscal Impact.)

This item was not sent as a Committee Report.

091297 [Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]

Sponsors: Chiu: Dufty and Daly

Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

This item was not sent as a Committee Report.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:57 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV 30 2009

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PUBLIC LIBRARY

Tuesday, November 24, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on November 17, 2009, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 3, 2009.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]
Sponsor: Mirkarimi
Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

FINALLY PASSED

091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]

Sponsor: Mirkarimi

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

FINALLY PASSED

Recommendations of the Public Safety Committee

091244 [Accept and Expend Grant - San Francisco Elder Abuse Project - $300,000]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $300,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Elder Abuse Project" for FY July 2009 through June 2012.

ADOPTED

091245 [Accept and Expend Grant - Center for Academic Re-entry for Truant Students - $238,000]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $238,000 through the United States Department of Education, for a program entitled "Center for Academic Re-Entry Expansion Project for Truant Students" for the period from August 24, 2009, through August 31, 2011.

ADOPTED

091253 [Accept and Expend Grant - H1N1 Swine Flu Information and Guidance Team - $180,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $180,000 from the Metta Fund to support the Swine Flu Information and Guidance Team; for the period of October 6, 2009, through October 5, 2010.

ADOPTED

Recommendations of the Rules Committee

090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - $112,000]

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

FINALLY PASSED

091013 [Application of City's Conflict of Interest Laws to City Officers]

Sponsor: Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

FINALLY PASSED

091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - $650,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for $650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091080 [Settlement of Lawsuit - Duncan Briggs - $65,000]

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for $65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091086 [Settlement of Lawsuit - Jeanne Schoenstein - $225,000]

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for $225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091186 [Settlement of Lawsuit - Gavin Smith - $55,000]

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for $55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Maxwell requested that File No. 081509 be severed so that it might be considered separately.

081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]

Sponsor: Maxwell

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc. and Sunset Scavenger Company; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

FINALLY PASSED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED, and continued to December 8, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091212 [Amendment to the FY 2009-2010 Redevelopment Agency Budget]

Sponsors: Mayor; Avalos

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 to (1) authorize the expenditure in an amount not to exceed $28,700,000 for payment to the Educational Revenue Augmentation Fund; (2) authorize an increase in expenditures in an amount not to exceed $156,000 for additional grant reimbursements from the U.S. Department of Commerce, Economic Development Administration (EDA); and (3) authorize an increase in expenditures in an amount not to exceed $1,033,417 for additional Housing Opportunities for Persons with AIDS (HOPWA) funding.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091272 [Port Commission Revenue Bond Law]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091273 [Port Commission Revenue Bonds not to exceed $45,000,000]

Sponsors: Mayor; Chiu

Resolution authorizing the issuance of up to $45,000,000 aggregate principal amount of Port revenue bonds for the purpose of financing certain capital improvements related to the Port; approving the forms of documents relating thereto; approving the maximum interest thereon; and related matters.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091274 [Appropriating $33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]

Sponsors: Mayor; Chiu

Ordinance appropriating $33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing $33,395,571 on Controller's reserve pending sale of bonds.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090832 [Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091243 [Support Goals for Federal Funding - Community Development Block Grant]

Sponsor: Avalos

Resolution supporting FY 2010-2011 Community Development Block Grant Action Plan Goals.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091248 [Resolution of Intention to Establish Special Tax District No. 2009-1]

Sponsors: Mayor; Mar

Resolution of Intention to establish special tax district to finance energy efficiency and renewable energy capital improvements to residential, commercial, industrial, or other property; to establish boundaries of the Special Tax District; to specify the rate or rates of Special Tax applicable to a parcel or parcels in the Special Tax District; to authorize the issuance of up to $150,000,000 of Special Tax Bonds to finance the capital improvements; to call a public hearing on the establishment of the Special Tax District and provide for the publication of notice thereof; and other matters relating thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091249 [Resolution of Intention to Incur Bonded Indebtedness in an Amount not greater than $150,000,000]

Sponsors: Mayor; Mar

Resolution of Intention to incur bonded indebtedness in an amount not greater than $150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 2, Line 20, by adding "12" and replacing "2:00 p.m." to "3:00 p.m.". The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

091158 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Nonprofits, The Good, The Bad, The Ugly"]

Sponsor: Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Nonprofits, The Good, The Bad, The Ugly," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091159 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Pensions: Beyond Our Ability to Pay"]

Sponsor: Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Pensions: Beyond Our Ability to Pay," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091160 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress"]

Sponsor: Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress," and urging the San Francisco Unified School District (SFUSD) to develop a comprehensive truancy reduction plan for use throughout the school district.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

091207 [Extending the Yerba Buena Center Redevelopment Plan]

Sponsor: Daly

Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091278 [Public Hearing - Acquisition of Property by Eminent Domain - Subsurface Tunnel Easements in Alameda County and San Mateo County]

Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County referenced in File No. 091279. Julie Labonte (Public Utilities Commission) provided an overview of the project and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091279 [Resolution to Acquire Real Property Interests by Eminent Domain-Water System Improvement Program-Funded Bay Division Pipeline Reliability Upgrade Tunnel]

Sponsor: Mayor

Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091332 [Public Hearing - Approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Hearing of persons interested in or objecting to proposed Resolution approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and Making Certain Public Benefit Findings for the Transbay Transit Center Program Under California Government Code Section 6586.5. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to approval of a loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority referenced in File No. 091333. Transbay Joint Powers Authority representative provided an overview. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091333 [Approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Sponsor: Daly

Resolution approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented Certificates of Honor to Andrea Carmen and Morning Star Gali of the International Indian Treaty Council in recognition of their accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Carol Mo of the Beacon Center in recognition of her accomplishments and community support within the Sunset District.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Juanito Reyes in recognition of his community service to the Guatemalan American community in San Francisco and his continued efforts to preserve Guatemalan culture and arts.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Captain Michael J. Flynn in recognition of his accomplishments in the Marine Corps and his continued support to our Nation.

COMMITTEE REPORTS

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - $1,750,000]

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for $1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091305 [Accept and Expend Grant - Point Lobos Streetscape Improvements Project - $461,000]

Sponsor: Mar

Resolution authorizing the Department of Public Works to accept and expend a Federal grant in the amount of $408,123 and a State grant in the amount of $52,877 from the Metropolitan Transportation Commission for the Point Lobos Streetscape Improvements Project.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091202 [Appropriating $1,881,896 to fund the restoration of positions for a two-month period in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance appropriating $7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

Supervisor Campos duplicated File No. 091202 (see File No. 091353).

Supervisor Campos, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to appropriate $1,881,896 to fund the restoration of positions for a two-month period in the Department of Public Health for FY 2009-2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance appropriating $1,881,896 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 85.98 full-time equivalent (FTEs) positions and delete 72.79 full-time equivalent positions effective November 16, 2009, and ending January 16, 2010, and release $1,881,896 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091353 [Appropriating $6,071,836 to fund the restoration of positions in the Department of Public Health for FY 2009-2010]

Ordinance appropriating $7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

Duplicate of File No. 091202.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to back-out the previous appropriation of $1,881,896. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance appropriating $6,071,836 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 236.42 full-time equivalent (FTEs) positions and delete 200.16 full-time equivalent positions effective January 17, 2010, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $6,071,836 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 15, 2009. The motion carried by the following vote:

Ayes: 6 - Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Avalos, Chu, Elsbernd, Maxwell

091203 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health.]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009 through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010 through June 30, 2010) in the Department of Public Health.
(Fiscal Impact.)

Supervisor Daly duplicated File No. 091203 (see File No. 091354).

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to conform to appropriations in File Nos. 091202 and 091353. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 85.98 FTEs in various job classes and delete 72.79 FTEs in various job classes for a two-month period (November 16, 2009, through January 16, 2010) in the Department of Public Health.
(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health.]

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.16 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Duplicate of File No. 091203.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to conform to appropriations in File Nos. 091202 and 091353. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 15, 2009. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Avalos, Chu, Elsbernd

091297 [Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]

Sponsors: Chiu; Dufty and Daly

Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Janet Shirley; spoke in support of non-violence legislation.
Tan Mori; spoke in support of non-violence legislation.
Ashley Ortiz; spoke in opposition to network neutrality principles legislation.
Regina Casa; spoke in support of network neutrality principles legislation.
Tracy Rosenberg; spoke regarding network neutrality principles.
Ralph Neilon; spoke in support of network neutrality principles.
Male Speaker; expressed concerns relating to environmental nutrition and food policy.
Male Speaker; expressed various religious concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to current lay-offs.
Joe Donahue; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091338 [Issuance and Sale of Revenue Bonds – 2235 Third Street Apartments not to exceed $55,000,000]

Sponsor: Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed $55,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

ADOPTED

091339 [Issuance and Sale of Revenue Bonds – 178 Townsend Street Housing Project not to exceed $33,000,000]

Sponsor: Daly

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed $33,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

ADOPTED

091340 [Accept and Expend Grant – Screening, Brief Intervention, and Referral to Treatment – $24,790]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $24,790 from the University of California San Francisco, to assist with a project entitled "Screening, Brief Intervention, and Referral to Treatment;" for the period of September 30, 2008, through September 29, 2009.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 081509 be severed so that it might be considered separately.

091331 [Board of Supervisors Committee of the Whole – November 24, 2009 – 3:00 p.m. Approving a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on November 24, 2009, to hear the approval of a Loan in an amount up to $171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

Motion No. M09-192

The President inquired as to whether any member of the public wished to address the Board relating to motion to sit as a committee of the whole referenced in File No. 091331. There were no speakers. The President declared public comment closed.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested that File Nos. 091337 and 091342 be severed so that they may be considered separately.

091337 [Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]

Sponsors: Alioto-Pier; Daly

Resolution urging the Federal Communications Commission to codify strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

Supervisor Daly requested to be added as a co-sponsor.

REFERRED to the City Operations and Neighborhood Services Committee

091342 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier; Daly

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

Supervisor Daly requested to be added as a co-sponsor.

REFERRED to the City Operations and Neighborhood Services Committee

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

There were none.

PROPOSED RESOLUTIONS

091324 [Airport Concession Lease]

Resolution approving the Pay Phone Lease between Pelican Communications, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/12/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091326 [CEQA Findings for San Francisco Public Utilities Commission New Irvington Tunnel Project in Alameda County and Fremont]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/16/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:34 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 8, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091272 [Port Commission Revenue Bond Law]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

FINALLY PASSED

091274 [Appropriating $33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]

Sponsors: Mayor; Chiu

Ordinance appropriating $33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing $33,395,571 on Controller's reserve pending sale of bonds.
(Fiscal Impact.)

FINALLY PASSED

090679 [Amendment to the John Stewart Company Sublease]

Resolution approving and authorizing the execution of a Fifth Amendment to Sublease with the John Stewart Company to discontinue Earthquake and Flood Insurance. (Treasure Island Development Authority)

ADOPTED

091266 [Prevailing Wages for Workers on Public Works/Improvement Projects, Janitorial Services, Public Off-Street Parking Lots, Garages, or Auto Storage Facilities, Theatrical Services, Moving Services and Hauling Solid Waste]

Sponsor: Mirkarimi

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

091270 [Accept and Expend Grant - Urban Trails of San Francisco - $1,000,000]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration in the amount of $1,000,000 to provide direct services for American Indian/Alaskan Native children and families; for the period of September 30, 2009, through September 29, 2010.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

091207 [Extending the Yerba Buena Center Redevelopment Plan]

Sponsor: Daly

Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan.

FINALLY PASSED

Recommendations of the Rules Committee

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - $1,750,000]

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for $1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - $217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of $217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

PASSED, ON FIRST READING

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for $95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - $97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrin Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for $97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091290 [Settlement of Lawsuit - Lisa Anne Haller - $230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for $230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091291 [Settlement of Lawsuit - City and County of San Francisco - $1,260,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) $1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

PASSED, ON FIRST READING

091318 [Appointments, Graffiti Advisory Board - Nino Parker, David Crommie and Debbie Shea]

Motion appointing Nino Parker, David Crommie and Debbie Shea, terms ending April 10, 2011, to the Graffiti Advisory Board.
Nino Parker, succeeding himself, seat 12, term expired, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion.
David Crommie, succeeding Leigh Ann Baughman, seat 13, resigned, must represent nonprofit organizations that provide services related to the City's beautification and neighborhood cleanup programs.
Debbie Shea, succeeding Michael Cashion, seat 14, term expired, must represent business that operates in San Francisco and be a property owner.

Motion No. M09-193

APPROVED

091320 [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti]

Motion appointing Fernando Marti, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee.
Fernando Marti, succeeding Chris Durazo, seat 5, resigned, must be nominated by District 6 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2011.

Motion No. M09-194

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091202 [Appropriating $1,881,896 to Fund the Restoration of Positions for Two (2) Months in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance appropriating $1,881,896 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 85.97 full-time equivalent (FTEs) positions and delete 72.79 FTE positions effective November 16, 2009, through January 16, 2010, and release $1,881,896 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

091203 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 85.97 FTEs in various job classes and delete 72.79 FTEs in various job classes for two months (November 16, 2009, through January 16, 2010) in the Department of Public Health. (Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]

Sponsor: Maxwell

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc. and Sunset Scavenger Company; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $32,510,600]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of $32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $4,822,667]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of $4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091267 [Lease of Property at 3801 Third Street]

Resolution approving, retroactively, a lease at Bayview Plaza, 3801 Third Street, at Evans Street, for the Human Services Agency under Administrative Code Section 23.27. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091285 [Amendment to Agreement with Owens Information Systems to Extend the Term]

Resolution authorizing the Department of Technology to enter into the Eighth Amendment of an agreement with Owens Information Systems to extend the term of the agreement to fifteen years. (Department of Technology)

Privilege of the floor was granted to Jon Walton and Walt Calcagno (Department of Technology) and representatives from the Office of the Mayor all of whom responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091036 [Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.43 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091059 [Correction to the Vacation of Former Trenton Street]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091335 [Establishing Infill Opportunity Zones for Congestion Management Planning]

Sponsors: Mirkarimi; Maxwell

Resolution establishing Infill Opportunity Zones for Congestion Management Planning in the City and County of San Francisco under California Government Code Section 65088.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090960 [Honoring Small Local Businesses During Small Business Month]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091137 [Mills Act Contract Procedures]

Sponsor: Alioto-Pier

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, on Page 4, Line 9, after "The Planning Department" by inserting ", the Historic Preservation Commission,"; AMENDED, on Page 5, Line 15, after "The Historic Preservation Commission shall" by inserting "have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors. For this purpose, the Historic Preservation Commission shall"; AMENDED, on Page 5, Line 21, after "proposed preservation restrictions or maintenance requirements" by inserting "to be included in the historical property contract"; AMENDED, on Page 5, Line 22, after "Planning Department shall forward," by replacing "a" with "the"; AMENDED, on Page 6, Line 3, by replacing "approval" with "disapproval."; and AMENDED, on Page 6, Line 3, after "for the purposes of this subsection" by deleting ", and the Planning Department shall forward the application for the historical property contract to the Board of Supervisors for its action; provided, however, that the" and by inserting "and the Planning Department shall notify the property owner in writing of the Historic Preservation Commission's failure to act". The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091152 [Confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency]

Sponsor: Mayor

Motion confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2013.

Motion No. M09-195

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091361 [Approving the Redevelopment Agency's Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

The President inquired as to whether any member of the public wished to address the Board relating to the approval of the Redevelopment Agency's lease of land at 249 Eddy Street, and 161-165 Turk Street, to Turk & Eddy Associates, L.P., for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons referenced in File No. 091360. Olson Lee (Redevelopment Agency) provided an overview of the project and responded to questions raised throughout the discussion. Don Falk spoke in support of this matter. There were no other speakers. The President declared the public hearing closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091360 [Redevelopment Agency Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]

Sponsor: Daly

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Terry Chan of the Bethel Grace Lutheran Ministries in recognition of their accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented Certificates of Honor to Officers Feliks Gasanyan and Maria Donati of the Taraval Police Station in recognition of their fine work in the apprehension of the MUNI stabber and their continued community support.

SPECIAL ORDER 4:00 P.M.

091313 [Appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 29, 2009, affirming the approval of the Tentative Parcel Map to construct a new 2 unit condominium project located at 1673 through 1675 - 11th Avenue, Lot No. 013 in Assessor's Block No. 1932. (Appellant: Rose Tom Tsai) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to Files 091314, 091315, 001316; District 7.)

The President inquired as to whether any member of the public wished to address the Board relating to the appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue as referenced in File Nos. 091314, 091315, and 091316. David Silverman; spoke in support of a proposed continuance. There were no other speakers. The President continued the public hearing open to December 15, 2009.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091314 [Approving decision of the Department of Public Works and approving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 11th Avenue, Assessor's Block No. 1932, Lot No. 013.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091315 [Disapproving decision of the Department of Public Works and disapproving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 11th Avenue, Assessor's Block No. 1932, Lot No. 013.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091316 [Findings related to the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 11th Avenue, Assessor's Block No. 1932, Lot No. 013.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

091345 [Public Hearing - Appeal of Conditional Use Appeal for 1969 California Street]

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Child Support Services)
(Filed 11/9/09 - Companion Measure to Files 091346, 091347, 001348; District 5.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance of the appeal of Conditional Use for 1969 California Street as referenced in File Nos. 091346, 091347, and 091348. There were no speakers. The President closed public comment on the proposed continuance and continued the public hearing open to January 5, 2010.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091347 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance in the amount of $2,700,314 and Amend Annual Salary Ordinance FY 2009 - 2010]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of $2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Andre Spearman (SEIU); expressed concerns relating to FY 2009/2010 budget shortfall.
Peter Warfield; expressed concerns relating to the SF Public Library.
Julian Lagos; expressed concerns relating to closure of Channel 29 television station.
Steve Zelzer; expressed concerns relating to closure of Channel 29 television station.
Pam Sower; expressed concerns relating to closure of Channel 29 television station.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Otto Dufty; expressed concerns relating to upcoming campaign.
Richard Robinson; expressed various concerns.
Marilyn Amini; expressed concerns relating to Board rules.
Male Speaker; expressed concerns relating legislative process.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091355 [Accept and Expend Grant - eLearning Modules to Support HIV Research - $35,125]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $35,125 from the Fred Hutchinson Cancer Research Center to assist with a project entitled "eLearning Modules to Support HIV Research;" for the period of June 1, 2009, through May 31, 2010.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091356 [Authorizing the Director of Public Works or Designee to Request a Cooperative Work Agreement from the California Department of Finance]

Sponsor: Mayor

Resolution authorizing the Director of Public Works or his or her designee to request a Cooperative Work Agreement from the California Department of Finance to extend the expiration date for a Federal transportation grant expiring on June 30, 2010.

ADOPTED

091357 [Accept and Expend Grant - HPV Epidemiology and Responses To Screening - $12,760]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $12,760 from the University of California San Francisco (UCSF), to assist with a project entitled "HPV Epidemiology and Response to Screening;" for the period of August 11, 2009, through July 31, 2010.

ADOPTED

091358 [Urging the San Francisco State Lobbyists to Facilitate the Implementation of AB 1383]

Sponsors: Daly; Campos

Resolution urging City of San Francisco Lobbyists to facilitate the implementation of AB 1383, and establishing a general framework of the quality assurance fee and increased Medi-Cal payments to hospitals.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091362 [Commemorate the 40th Anniversary of the Occupation of Alcatraz Island]

Sponsors: Mar; Campos

Resolution commemorating the 40th Anniversary of the Occupation of Alcatraz Island from November 20, 1969, to June 11, 1971.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091363 [California Master Plan for Education]

Sponsors: Mirkarimi; Campos

Resolution Calling on the State, the UC Regents, the CSU Board of Trustees, and the Board of Governors of the California Community Colleges to recommit to the California Master Plan for Higher Education.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091364 [Urging the United States to Enter into a Strong International Treaty to Address Climate Change]

Sponsors: Mirkarimi; Campos

Resolution urging the President of the United States, at the UN Climate Change Conference scheduled for December 2009 in Copenhagen, to negotiate and sign, the Senate to ratify and the Congress of the United States to support legislatively a strong treaty to address climate change.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

091366 [Approval of a 30-Day Extension for Planning Commission Review of the Telegraph Hill-North Beach Residential Special Use District]

Sponsor: Chiu

Resolution extending, by 30-days, the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would require a Conditional Use Authorization for the installation of a garage opening in existing buildings, reduce the parking requirements in certain Northeast Neighborhoods, and creating the Telegraph Hill-North Beach Residential Special Use District, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

ADOPTED

091378 [Declaration of Election Results of November 3, 2009, Municipal Election]

Sponsor: Chiu

Resolution declaring the results of the November 3, 2009, Municipal Election

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 091359 be severed so that it may be considered separately.

091359 [Committee of the Whole – December 8, 2009 - 3:00 p.m. - to Hold a Public Hearing on the Approval of a Redevelopment Ground Lease of Land at 249 Eddy Street, and 161-165 Turk Street]

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on December 8, 2009, to hold a public hearing on the approval of Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

Motion No. M09-196

The President inquired as to whether any member of the public wished to address the Board relating to sitting as a committee of the whole for the approval of a Redevelopment Ground Lease of land at 249 Eddy Street, and 161-165 Turk Street as referenced in File No. 091359. There were no speakers. The President closed public comment.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that File No. 091365 be severed so that it may be considered separately.

091365 [Supporting the Recommendations Contained in the Report of the Peak Oil Preparedness Task Force]

Sponsors: Mirkarimi; Mar

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

REFERRED.

Supervisor Avalos requested that File Nos. 091367 and 091367 be severed so that they may be considered separately.

091341 [2010 Board of Supervisors Regular Meeting Schedule]

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, September 7, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 18 through September 7, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be CONTINUED to December 15, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091367 [Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture]

Motion authorizing the Clerk of the Board of Supervisors to enter into a Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture and approving said agreement, pursuant to Charter Section 2.117. (Clerk of the Board)

Motion No. M09-197

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Noes: 1 - Maxwell

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

091381 [Settlement of Lawsuit - Marco Maestrini - $40,000]

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for $40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

11/18/09; RECEIVED AND ASSIGNED to Rules Committee.

091382 [Settlement of Lawsuit - Ben H. Lyon - $47,500]

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for $47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - $158,000]

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for $158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091384 [Settlement of Unlitigated Claim - David Cleary - $225,000]

Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for $225,000; claim was filed on May 22, 2009. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091385 [Approving the City and County's Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]

Sponsor: Mirkarimi

Resolution approving the extension of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

11/30/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:23 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 15, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
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DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Elsbernd	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Daly, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $32,510,600]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of $32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

FINALLY PASSED

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $4,822,667]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of $4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

FINALLY PASSED

091324 [Airport Concession Lease]

Resolution approving the Pay Phone Lease between Pelican Communications, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

FINALLY PASSED

091036 [Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.43 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

091059 [Correction to the Vacation of Former Trenton Street]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block No. 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

FINALLY PASSED

Recommendations of the Public Safety Committee

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $2,700,314]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of $2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

FINALLY PASSED

091298 [Accept and Expend Grant - Mortgage and Investment Fraud Project - $1,066,026]

Sponsors: Chiu; Chu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend grant funds from the American Recovery and Reinvestment Act in the amount of $1,066,026 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Mortgage and Investment Fraud Prosecution and Education Project" for the period from August 1, 2009, through July 31, 2011.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED

091302 [Accept and Expend Grant - Police Department Emergency Operations Center - $1,000,000]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend an earmark grant in the amount of $1,000,000 from the California Emergency Management Agency through the Federal Emergency Management Agency for the purchase of equipment and construction of the San Francisco Police Department Emergency Operations Center.

ADOPTED

091303 [Accept and Expend Grant - California Multi-Jurisdictional Methamphetamine Enforcement Team Program - $346,785]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $346,785 from the Governor's Office of Emergency Services for a project entitled "California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET)" Program.

ADOPTED

Recommendations of the Rules Committee

090960 [Honoring Small Local Businesses During Small Business Month]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

FINALLY PASSED

091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - $217,000]

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of $217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

FINALLY PASSED

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - $95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for $95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - $97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for $97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091290 [Settlement of Lawsuit - Lisa Anne Haller - $230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for $230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091291 [Settlement of Lawsuit - City and County of San Francisco - $1,260,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) $1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

FINALLY PASSED

091352 [Extending the Term of Service for the Power Plant Task Force]

Sponsor: Maxwell

Resolution to extend the expiration date of the Power Plant Task Force from December 31, 2009, to December 31, 2010.

ADOPTED

091351 [Appointments, Workforce Investment Community Advisory Committee - Corrin Buchanan and Cameron McHenry]

Motion appointing Corrin Buchanan and Cameron McHenry, terms to be determined, to the Workforce Investment Community Advisory Committee. (Rules Committee)

Corrin Buchanan, seat 1, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.
Cameron McHenry, seat 2, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091353 [Appropriating $6,071,836 to Fund the Restoration of Positions in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance appropriating $6,071,836 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 236.42 full-time equivalent (FTEs) positions and delete 200.16 FTE positions effective January 17, 2010, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release $6,071,836 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Recommendation of the Land Use and Economic Development Committee

* * **090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]**

Revised 12/16/09 11:47 pm

Sponsors: Avalos; Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Rules Committee

091137 [Mills Act Contract Procedures]

Sponsor: Alioto-Pier

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.50 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $7,739,300]

Sponsor: Mayor

Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of $7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091326 [CEQA Findings for San Francisco Public Utilities Commission New Irvington Tunnel Project in Alameda County and Fremont]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091369 [Revenue Contract with PG&E Energy Conservation Programs]

Sponsor: Mayor

Resolution authorizing the Department of the Environment under Charter Section 9.118 to enter into a contract for up to $11,540,000 with Pacific Gas and Electric Company (PG&E), to implement an Energy Use and Demand Reduction through Energy Efficiency Program in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090962 [Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]

Sponsor: Chiu

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091284 [Mission Bay - Park P21 Improvements]

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]

Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to RE-REFERRED this Ordinance to the Rules Committee. The motion was approved by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Avalos and Mar Excused from Voting

Supervisor Daly, seconded by Supervisor Campos, moved that Supervisors Avalos and Mar be excused from voting on File Nos. 091349 and 091350. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

091349 [Appointment to San Francisco LAFCo - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

091350 [Appointment to San Francisco LAFCo - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, as an alternate member, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Avalos, Mar

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091419 [Committee of the Whole - Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier, Chu and Maxwell

Hearing of persons interested in or objecting to proposed resolution on file with the Clerk of the Board of Supervisors in File No. 091342 opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

The President inquired as to whether any member of the public wished to address the Board.

Male Speaker, expressed various concerns.
Emily M. Murase, Executive Director, Commission on the Status of Women, expressed concerns with women's health services.
Walter Paulson, expressed his concerns in song.
Jazzie Collins, expressed concerns with women's health services.

The President declared public comment closed and adjourned the Committee of the Whole and reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificated of Honor to Manuel Sparati in recognition of his accomplishments and continued community support in his effort to promote physical education and succesful life through martial arts training.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Alfredo Pedroza of the Mayor's Office of Neighborhood Services in recognition of his acomplishment and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the San Francisco Brown Bombers, Midget Football Team in recongnition of their acomplishments and continued community support.

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Alex Randolph in recongnition of his accomplishments and continued community support.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Cornelius Thorne in recongnition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

091313 [Appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 29, 2009, affirming the approval of the Tentative Parcel Map to construct a new 2 unit condominium project located at 1673 through 1675 - 11th Avenue, Lot No. 013 in Assessor's Block No. 1932. (Appellant: Rose Tom Tsai) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091314, 091315, 001316) (District 7)

The President inquired as to whether any member of the public wished to address the Board.

Steve Williams representing the appellant provided an overview of the appeal and further requested the Board to approve the appeal.

Walter Paulson; and Rose Tom Tsai (Appellant) spoke in support of the appellant.

Bruce Storrs, Department of Public Works, provided details of the project and responded to questions raised throughout the discussion.

David Silverman, representing the project sponsor, provided a rebuttal and further requested the Board to approve the appeal.

There were no other speakers.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091314 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091315 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091316 [Findings Related to the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 - 11th Avenue, Assessor's Block No. 1932, Lot No. 013. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

091309 [Appeal of Determination of Exemption from Environmental Review for 2750 Vallejo Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 6, 2009, Case No. 2006.0339E, that a project located at 2750 Vallejo Street is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA, Guidelines, Section15301(e)(1)]. The proposal would alter the facade and construct rear and side horizontal additions to an existing three-story, single-family residence in an RH-1(D) District and a 40-X Height and Bulk District, in Assessor's Block No. 0954, Lot No. 006. (Appellants: Robert A. Byrum and Dona S. Byrum) (Clerk of the Board)
(Filed 11/6/09; Companion Measures to 091310, 0913911, 091312) (District 2)

The President inquired as to whether any member of the public wished to address the Board.

Robert Brian, representing the appellant, provided an overview of the appeal and further requested the Board to approve the appeal.

Pam Byrant, Peter Warfield, Male Speaker, Walter Paulson, Richard Lagrini, and Mr. Arbeck spoke in support of the appellant.

Jeremy Battis, Shelly Caltagirone, Historic Preservation Planner; and Tina Tam, Preservation Coordinator, from the Planning Department, provided details of the project and responded to questions raised throughout the discussion.

Other Speakers: Elaine Warren, Deputy City Attorney.

Tina Calliano and Jake Turnbull representing the project sponsor provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission.

Gregory Maylin, property owner, Bob Atone, Dan Birch, Female Speaker, David Perry, and T. Steele, spoke in support of the project and in opposition to the appeal.

Robert Brian, representing the appellant, provided a rebuttal and further requested the Board to approve the appeal.

There were no other speakers.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091310 [Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]

Motion affirming the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

091311 [Reversing the Exemption Determination Issued for the 2750 Vallejo Street Project]

Motion reversing the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

091312 [Preparation of Findings Related to the Exemption Determination for the 2750 Vallejo Street Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project at 2750 Vallejo Street is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

COMMITTEE REPORT

091423 [Accept and Expend Grant - Public Health Emergency Response - $2,151,772]

Sponsors: Mayor; Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $2,151,772 from the California Department of Public Health (CDPH), to assist with a project entitled "Public Health Emergency Response;" for the period of July 31, 2009, through July 30, 2010.

Supervisor Dufty requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concern.
James Chaffee; expressed concern with issues relating to the SF Public Library.
Richard McRee; expressed concern with issues relating to his design and patent.
Peter Warfield; expressed concern with issues relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091410 [Accept and Expend Grant – High Risk Program - $37,787]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Food and Agriculture (CDFA) in the amount of $37,787 to prevent infestation of pests from incoming high-risk shipments of plant material from Hawaii, Florida and other southern states; for the period of July 1, 2009, through June 30, 2010.

ADOPTED

091411 [Seeking Reimbursement from the State of California for Funds Expended by the County]

Sponsors: Mar; Campos, Mirkarimi and Avalos

Resolution urging state and local officials to obtain reimbursement for funds expended by the City and County of San Francisco to provide legal representation in homicide cases instituted by the Attorney General.

Supervisors Avalos requested to be added as a co-sponsor.

ADOPTED

091412 [Accept and Expend Grant - San Francisco's Clean Cities Coalition Program - $60,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program (being passed through Research and Development Solutions, LLC) in the amount of $60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

ADOPTED

091413 [Support for the First and Mission Site as the Preferred, Fully Environmentally Cleared Site for the California High Speed Rail Station]

Sponsor: Daly

Resolution affirming the Board of Supervisors support for the First and Mission site as the preferred, fully environmentally cleared and under construction location for the California High Speed Rail Northern Terminus and encouraging the California High Speed Rail Authority to do likewise.

ADOPTED

091414 [Accept and Expend Grant – Probation Response Unit Pilot Project – $100,000]

Sponsor: Maxwell

Resolution authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of $100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact (DMC) Support Project, administered by the Corrections Standards Authority (CSA), for calendar year 2010, to be used for design and implementation of a Probation Response Unit (PRU) pilot project.

ADOPTED

091415 [Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions]

Sponsor: Chiu

Resolution Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions as Part of the American Recovery and Reinvestment Act of 2009.

ADOPTED

091416 [Accept and Expend Grant - Implementing Ten Sobriety Checkpoints - $91,608]

Sponsor: Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $91,608 from the Federal Department of Transportation through Office of Traffic Safety for the purpose of implementing ten Sobriety Checkpoints in the City and County of San Francisco.

ADOPTED

091417 [Urging the State Legislature to Amend the Costa Hawkins Act to Exempt Local Inclusionary Housing Ordinances]

Sponsor: Chiu

Resolution urging the California Legislature to amend the Costa Hawkins Act to exempt local inclusionary housing ordinances.

ADOPTED

091425 [Commemorating the Bicentennial Year of the Latino Press in the United States]

Sponsor: Campos

Resolution commemorating the Bicentennial Year of the Latino Press in the United States, and acknowledging the rich contributions of Latinos in the history of American journalism.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 091418 be severed so that it may be considered separately.

091418 [Committee of the Whole, December 15, 2009, at 3:00 P.M., Opposing Stupak-Ellsworth-Pitts]

Sponsors: Alioto-Pier, Chu and Maxwell

Motion scheduling a Committee of the Whole at 3:00 P.M. on Tuesday, December 15, 2009, to consider opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice.

The President inquired as to whether any member of the public wished to address the Board relating to the Board sitting as a Committee of the Whole to address opposing the Stupak-Ellsworth-Pitts amendment to restrict reproductive choice referenced in File No. 091419.

Speakers: Male Speaker; Emily M. Murase, Executive Director, Commission on the Status of Women; Walter Paulson; Jazzie Collins.

The President declared public comment closed.

Supervisor Daly, seconded by Supervisor Mirkarimi moved to AMEND the Motion. The motion FAILED by the following vote:
Ayes: 3 - Avalos, Daly, Mar
Noes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Supervisor Alioto-Pier, seconded by Supervisors Elsbernd and Chu, moved to CALL THE QUESTION AND TERMINATE DEBATE. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Avalos requested that File No. 091341 be severed so that it may be considered separately.

091341 [2010 Board of Supervisors Regular Meeting Schedule]

Sponsors: Avalos; Mar

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Imperative Item - Proclaiming December 19, 2009, International Migrants Day (File No. 091428)

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Mar, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091428 [Proclaiming December 18, 2009, International Migrants Day]
Sponsors: Avalos; Campos and Mar
Resolution proclaiming December 18, 2009, International Migrants Day.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Imperative Item - Opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice (File No. 091462)

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

Supervisor Daly moved to Adjourn the meeting. The motion FAILED due to lack of a second.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 8 – Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi
Absent: 1 - Dufty

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Dufty

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Dufty

091462 [Opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice]

Sponsor: Alioto-Pier

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

(A unanimous vote is required for the approval of a resolution on the Imperative Agenda.)

ADOPTION failed by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Dufty

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - $141,692.50]
Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for $141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

12/02/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

There were none.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:32 p.m.

Utica/Omaha, Ne
Houchen
Bindery Ltd